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a journal which seeks to reflect through free discussion, every shade of Indian thought and aspiration. Each month, a single problem is debated by writers belonging to different persuasions. Opinions expressed have ranged from janata to congress, from sarvodaya to communist to independent. And ·

the non-political specialist too has voiced his views. I way it has been possible to answer a real need of tod gather the facts and ideas of this age and to help thi people arrive at a certain degree of cohesion and cl in facing the problems of economics, of politics, of cu

NEXT MONTH: PROTECTING NATUR

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STREET VENDORS

a symposium on

reconciling people's livelihood

and urban governance

symposium participants

The problem

WITH nearly a third of our billion plus population located in urban centres, increasing attention is now being directed to the management and sustenance of our cities. Not surprisingly, the dominant imagery is one of a breakdown, of over-stretched infrastructure, traffic jams, filth and pollution, crime and insecurity, in short, of an unfriendly and unlivable habitat A far cry from earlier perceptions of cities as centres of civilization, of growth, enterprise and energy.

It is not unusual that harassed city-managers look for scapegoats as an explanation of failure. There are just too many people, an unending flow of migrants, a proliferation of slums and jhuggies colonizing public and private lands earmarked for alternative uses. Rarely, however, are we conscious of the class and cultural bias of such perceptions which target the poor as the source of our urban problem.

Power breakdowns are routinely credited to the 'unauthorised' users in slums, not the indiscriminate and often illegal (and thus unbilled) use of electricity in factories and commercial complexes. Despite a vast majority of urban citizens relying on public transport, or cycling and walking to work, transportation plans and policies continue to favour the use of private motorized vehicles.

Examples can be multiplied. The fact remains that city-planners suffer from a distorted and myopic view of the city, drawn more from the experience of the West than our own history. Whether or not one would go along with the evocative phrase coined by architect and city-planner Jai Sen, 'the unintended city' (*Seminar* 200, April 1976) focusing on the indelible rural character of even our metropolises, it is difficult to deny that the city's poor, often rural in origin and orientation, are acceptable to the city elite only as service providers, preferably invisible.

Street vendors, as a strata, tellingly capture this ambivalence. At one level is the realization, howsoever grudging, that vendors provide a useful service. A large proportion of our populace, particularly the less well-off, depend upon the street economy, not just for cooked food, fruits and vegetables, poultry and meat, but readymade garments, kitchen utensils and a bewildering variety of lower end goods. They find vendors both convenient and affordable. And increasingly, even if they do not so readily admit it, middle class consumers too access the vendors.

Simultaneously, particularly in the elite and planning circles, vendors are seen as a pestilence – crowding pavements, spilling onto busy streets, creating transport bottlenecks, not just adding to confusion and chaos, but a source of filth, disease and crime. Above all, they are seen as squatters on valuable commercial and residential space, both public and private, violating our sense of order. Little wonder that demands for city planning result in drives against hawkers and vendors.

It is not that these actions go uncontested. Though the poor self-employed, vendors in particular, are

only now getting organized, actions by civic authori-
ties, both municipal and police, are resisted, often
resulting in violent clashes. Increasingly, NGOs and
even political parties are getting into the fray, using
a combination of direct activism, advocacy through
the media, even approaching courts to advance the
interests of this strata. Expectedly, they highlight
the positive contribution of street trade and traders
to civic life. Equally that vendors are poor people,
working hard to earn an honest living; that a state
unable to provide jobs to all has no business to des-
troy livelihoods.

Resolving these differing perceptions and
demands requires both a fresh look at the various laws
and regulations governing hawkers and vendors as
also a reconceptualisation of the political economy of
our cities. For a start we need to have a better idea
about vendors and vending – the numbers, the back-
ground, the activities. Second, we need to disabuse our-
selves of the notion that just because much of vending
is informal, it is unorganized. City spaces are valuable
and highly coveted. Operating on a street corner
involves deals with not only civic authorities, but the
local goon and the political protector The estimates
of illegal gratification associated with street vending
are staggeringly high. Thus, while most vendors are
poor, somehow surviving, they form part of a large
network where the primary returns are made by a
shadowy set in the background.

A third enduring problem relates to our civic laws.
Municipal authorities across the country permit regu-
lated vending. The problem is that the numbers legally
permitted and the spaces which may be legally used
cover a miniscule proportion of those engaged in the
trade. Consequently, much of vending by definition
remains illegal and thus amenable to either extortion
or removal. A similar situation exists regarding the rick-
shaw trade in Delhi. As against a mere 4000 licensed
rickshaws, the actual numbers on the street exceed
100,000. And a significant proportion of these are
owned by the very authorities who conspire to keep
them illegal

Despite the undeniable complexity of the prob-
lem, there are worthwhile precedents. Women vendors
in the crowded Manek Chowk area of Ahmedabad
were able to wrest legal entitlements through a com-
bination of struggle and dialogue. So too in Manipur.
And now that the Supreme Court has conferred a legal
status on vending (cf Sodhan Singh vs NDMC, SC
1998), it has become incumbent on city authorities to
plan for vendors and vending as an integral part of
the cityscape. Only a meaningful dialogue between
all those who constitute the city – from civic autho-
rities to shopkeepers, residents' associations and ven-
dors – can help mutual accommodation. Otherwise we
are likely to witness cleanliness drives, violent clashes
and populist rhetoric. This issue of *Seminar* hopes to
make a small contribution in the search for sanity.

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Roles and perceptions

RENANA JHABVALA

THIS essay is really about perceptions. Most things change as we perceive them in different ways. And as perceptions change so do our actions and attitudes. At one time a tree or a clump of trees or a forest was seen as an obstacle to growth, to be cut down and replaced by roads and dams. Today, the environment is to be preserved at any cost, and trees are seen as the lifelines to health, to be planted and protected.

So too our perceptions of what constitutes a city or a town. Opinion-makers – the media, officialdom, educational institutions, NRIs – define what constitutes a good city. They turn to the well-known cities of the world, to London, Tokyo, Chicago and increasingly Singapore, the current favourite. They point to the many cars, the broad roads, over-bridges, shopping centres, high-rise apartment complexes, schools, hospitals, air-conditioning and central heating, the bright lights and the cleanliness. They point in horror to Indian towns and cities – to the 'clutter' in public spaces, the dirt and filth, the many slums and the bad roads.

However, Indian cities and towns have their own character, a life and an ambiance based on their culture and history. Each Indian city has layer upon layer of history reflecting successive civilizations, something that you may or may not see in Singapore or Tokyo. Indian cities reflect the Indian economy as it is, with its rich, middle class and poor. They reflect live links with the countryside, and above all the culture of the people, played out in every mohalla, apartment complex and slum.

Urban areas have always provided an arena for interaction between different classes, communities and interest groups, each trying to find a foothold in the city. The rural dialogue both continues and is metamorphosed as, searching for new opportunities, different classes and communities migrate to the towns – the rural rich heading for multistoried flats, the poor for the slums. The urban areas are also centres of commerce and the interaction of trade has been a medium of market dialogue which has kept the city alive.

The street vendors in many ways represent this dialogue and interaction within the city, with all its successes and in all its cruelty. The urban vendor, many of whom are women, reach goods and services to all classes of people symbolizing the interde-

pendence of the rich, the middle classes and the poor. They represent the linkage between the slums and the flats, the residences and commercial centres, and between the rural and urban areas. They represent the multiple use of public spaces and the public and open nature of urban interactions.

Street vending is the most lucrative of all activities and the most available of all employments open to the poor, one which could lead the way out of poverty. It is also the most cruel in its competition for expensive urban space, marked by the vendors facing the wrath of the police and the city governments. Perhaps as no other citizen, the street vendor becomes the focus of interaction of almost all city pressure groups – the municipality, police, politician, consumer, real estate agent, shop owners, vehicle owners.

Our perceptions of street vendors remain confused and much too conditioned by the streets of London and Singapore. On the one hand we welcome street vendors who offer us the necessities of life, at our doorstep and at reasonable prices. They lighten the rigours of urban life. On the other hand, we feel that they have no right to be part of our cityscape. Like the pot-holed roads, the garbage and pollution, we feel that they too contribute to the bad look of the city, that they destroy the beauty of urban areas.

Beauty is a matter of perception. People contributing to the city can be as beautiful as cars or billboards, parks or fountains. Utility and beauty often go hand in hand. Public spaces in Indian cities have their own character, dynamics and culture. And with proper planning they can be as beautiful as any city in the West. Beauty need not mean the exclusion of large sections of the population, but can

1 Chandan Sengupta. p 5.
2. Sarla Gopalan.

reflect an essential harmony and interdependence. How we treat the street vendor reflects how we perceive her – as a part of our culture and economy to be preserved and upgraded, or like a pothole in the road to be removed as soon as possible.

Urban India has steadily grown through the decades, with rates of growth somewhat higher than that of rural areas. The period between the last two censuses from 1981 to 1991 saw a growth of 36% in the urban population.[1] Although the census classifies all areas with population above 10,000 as urban, there are in fact major differences as we go from the small towns which have just emerged from being villages, to the district towns which are local trading centres or seats of government, to the large metros with populations of many million. In India, unlike in many other countries, the process of the rural metamorphosing into the urban is slow, as villages grow into towns, small towns into bigger ones and as the towns and cities extend outward to take over the surrounding villages. In fact, nearly 60% of the urban population lives in small towns with populations of less than 2,00,000.

The urban areas are centres of intense economic activity, and their workforce reflects the type of economy that keeps the country going. However, despite frantic economic activity, the urban areas continue to have their share of poverty, surprisingly, not much lower than the poverty in rural

Distribution of Population by Town Size	
Size of town by population size	Proportion of population
Upto 50,000	34.4%
From 50,000 to 200,000	23.92%
From 200,000 to 400,000	10.82%
From 400,000 to 1,000,000	12 62%
Above 1,000,000	18.24%
Total	100%

Source: Dubey, Gangopadhyay and Wadhwa, p 14

areas. The proportion of people living below the poverty line is 32.4% in the urban areas as compared to 37.2% in the rural areas.

The majority of the workforce operates in what is often called the unorganized or informal sector. These are workers who do not have a regular employer-employee relationship and who work under conditions of economic and social insecurity. In the urban areas this sector includes workers in small manufacturing, street vending, domestic services, transport and so on. The size of the unorganized sector has grown and now accounts for 91.5% of the workforce,[2] including rural workforce. Unfortunately, we do not have reliable figures on the size of the unorganized sector in urban areas. However, if we take as a proxy those who earn a regular wage or salary as an indicator of their being in the organized sector, then the size of the unorganized sector varies from 65% in small towns to 46% in larger cities.

In general, the earnings of this sector are much lower than that of the organized sector. Studies have shown

Size of the Unorganized Sector Across Different Town Sizes		
Size of town by population	Regular wage and salary earners as per cent of total workers	Self-employed, casual labour and others (unorganized sector)
Upto 50,000	35%	65%
From 50,000 to 200,000	42.55%	57 45%
From 200,000 to 400,000	49%	51%
From 400,000 to 1,000,000	49%	51%
Above 1,000,000	54.3%	45.7%

Source: Dubey, et al., p 15

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that the earnings of the informal sector are about one-third that of formal sector workers.[3] At the same time their work is insecure, in that they are not sure of their earnings the next day.

Of those within the urban informal sector, a large number are street vendors. Estimates show that about 15% of the urban informal sector workforce are street vendors – self-employed persons who earn their living by selling in the streets. These vendors can be mobile, moving from place to place, or they can be stationary, selling from a fixed place in the market or street corner.

It is difficult to describe a 'typical' street vendor. The street vendor may be a little girl sitting at the street corner selling green masala, or he may be a mustached man with a cellular phone selling electronic items in the heart of a metro commercial centre. He may be a small farmer selling his vegetables in the urban haat (market), or she may be an embroiderer selling cushion covers to tourists. Whatever their specificity, all street vendors are part of the vast urban informal sector and depend on this uncertain form of entrepreneurship to earn a living.

Both men and women vendors are found all over the country. The number of women vendors tends to decrease in the North, as well as in large size cities, whereas it is higher in the South and North East. In Meghalaya, for example, women constitute about 70% of vendors, whereas in Kanpur they are about 20%. In Mumbai about 17% vendors are female whereas in Patna 21% and Bangalore 44%. Street vendors are drawn from all castes and communities although a majority tend to belong to backward castes or the Muslim community. In some cities even members of upper-

castes, especially Banias, take to street trading.

Their literacy level is usually low since they start going out on the streets at a young age. The variation in levels is, however, a reflection of the region they come from. The proportion of illiterate street vendors in Varanasi for example is 52%, whereas in Mangalore it is only 25%.

Street vendors learn their trade from family members. Children start at an early age since the entire family is involved in vending. From haggling in wholesale markets at 4 am, to walking the roads in the middle class colonies for eight hours a day, street vending is not only labour intensive, it involves hard physical work. Although many street traders buy wholesale and sell retail, many others especially in smaller towns tend to be producers as well. Family members of food vendors tend to prepare food at home to sell in the streets, artisans make their own products to vend, farmers bring in their produce from the rural areas.

Vendor earnings vary greatly, depending on their location, the city and the product. Generally, mobile vendors earn less than stationary ones, those selling perishable goods like vegetables or fish earn less than those dealing in industrial goods like garments and electronics, and vendors in small towns and those selling in residential areas earn less than those in large cities selling in commercial centres. Women, who tend to be mobile and sell mainly perishables, on average earn less than men. In Lucknow, for example, the median earning was found to be about Rs 50 per day whereas in Mumbai it was close to Rs 100.

Like other entrepreneurs or businesspersons, street vendors too need capital. Unfortunately, since they

are perceived as a 'nuisance' or 'obstruction' rather than as entrepreneurs, the banks tend to disregard their need for capital. The result is that they are forced to borrow from private money-lenders or wholesalers, paying on average 100% to 125% interest on their loans. Often, the rate may be even higher at 10% per day, i.e., over 300%! This exorbitantly high rate tends to be a major drain on their income.

In addition to high interest charges they also have to pay 'costs' for being 'allowed' to sell. Some of these costs are 'legal' – daily payments or tehbazari charged by municipalities, fines for traffic violations or payments to municipality for release of confiscated goods. Others are, however, illegal and take the form of bribes to the police, municipal officials or to local strongmen. A study for the city of Ahmedabad indicates that while the legal fees paid to the city by street traders in 1998 was Rs 5.6 crore, illegal fees paid was Rs 5.5 crore.

Since street vendors practically spend their entire life in public spaces dealing with all types of people, they tend to become brash and hardened. However, the major problem they face is the exposure to violence. Violence from the police is a fact of life. Violence from municipal authorities or from goondas leaves them feeling perpetually threatened. For women the problem is far worse, involving sexual harassment as well as beatings. The violence is accompanied by uncertainty and fear, when they run at the appearance of the municipal or police vans. On the other hand, their easy manner and bantering attract people to them. They tend to enjoy life interacting with many different types of people, often develop close relationships with customers and like other businesspersons, use social skills to enhance their business.

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3. Unni, p. 58

Street vending is covered by a multitude of laws from municipal and traffic to criminal laws, from railway acts to laws covering parks and other public spaces. In most laws the sections concerning vendors are based on earlier legislation, many of which can be traced back to British laws, more specifically the Poor Laws, enacted in Britain at the beginning of the 19th century.

Most laws deny a person the right to sell in a public space, unless the authority incharge of that space gives him or her the permission to vend. In other words, the public authority has discretion to allow or disallow vending. The Supreme Court, on the other hand, has ruled that street vending is a fundamental right and decreed that it is the duty of the authorities to provide means for the hawkers to sell.

This is where perceptions distort reality. Most public authorities, although empowered to do so, refuse to permit street vending. They grant permission only to a small percentage of actual street vendors, leaving the vast majority as 'illegal'. Under a different and sympathetic gaze, the vendors could easily be assimilated into the city-scape. Unfortunately, since most street vendors are 'illegal' they are subject to the worst abuse by police, municipal authorities and goondas. To defend themselves they seek protection of politicians and criminals and pay bribes. Instead of experiencing a harmonious relationship with their city, they become an excuse for confrontation and discord.

There are many reasons why the street vendors should be perceived positively and seen as an integral part of the city.

They create their own employment: Unemployment is a major prob-
lem in the country. Organized industry is shrinking and jobs are near impossible to come by. In such a situation any sector which provides employment needs to be encouraged. As urban populations grow there is an escalating need for trade and services which is met by the informal sector. This sector generates its own employment, the people earn their own living and do not ask the government for jobs. If their employment is destroyed, it will only increase the ranks of the unemployed, create pressure on the economy, darken the future prospects of their children and may even induce criminal activity.

They reduce poverty: Poverty is perhaps India's biggest burden. More than 50% of the children are malnourished; illiteracy is one of the highest in the world. The primary reason for poverty is a lack of remunerative employment. As poor people get economic security they first attain a minimum level of nutrition and then begin to spend on other necessities like housing, health care and education for children. Street vending is a route that poor people take to move out of poverty. Destroying their livelihood would mean pushing a larger number under the poverty line

They provide an important service: The street vendors reach fruits, vegetables, fish, flowers, ready foods, clothes, household goods and a wide variety of necessities and even luxury goods to people in the cities. They make these goods available at the most convenient places – at the doorstep, on the way home from office, near the market place, at bus stops, all at affordable prices; a full meal near your office on the Calcutta streets costs only Rs 10! Without street vendors the expenses of the middle class and the poor would definitely increase, not to mention the inconvenience and cost of travelling to far-off shopping centres.
They contribute to economic growth: Since we perceive the street vendors as marginal, their economic contribution is not realised. In fact, due to the large number of vendors, their trade constitutes a substantial part of the city's economy. In Mumbai, for example, it is estimated that the annual turnover of the street vendors of the city is over Rs 6000 crore. They combine employment and growth in a labour intensive industry!

They are a part of culture and tradition: The early morning flower seller, fruit vendor, coconut seller, idli maker, peanut vendor, the chatwallah are all part of our public culture. To drive them away and replace them by supermarkets would destroy a part of our own being and certainly stint the growth of our collective psyche and self-definition.

It is no one's case that street vendors may sit wherever they like, at all places all over the city. Rather that if we plan for and accommodate them in the city spaces, they will not obstruct other essential functions such as traffic flow. The reason that vendors now seem such a nuisance is that there is no place for them, and so any place they occupy belongs to some other function. It is therefore necessary to evolve both national and state policies on street vendors which could feed into urban plans and schemes. We would like to propose three broad principles which should guide the plans that would be formulated by towns and cities.

Preservation and promotion of employment: Every city has a large number of street vendors who earn an honest livelihood without being a burden on any system. Although exact numbers are not available, studies indicate that there are about 200,000 street vendors in Delhi, 2,50,000 in Mumbai, 100,000 in Ahmedabad,

50,000 in Patna and so on. These vendors generate not only their own employment but also support a large number of producers who depend on them for their sales. Since the government is unable to provide employment to these vendors and producers it has no right to snatch away the employment that they have created through their own entrepreneurship.

The first and most important principle is that any scheme must preserve existing employment. Equally, that it should promote future employment which will be needed as the city grows.

Indian culture of public spaces and service to consumers: The vendors provide an important service to the consumers. Street vending is a part of Indian culture. Unlike the West where the culture places an emphasis on privacy and individualism, ours is an open and community-based culture. In western societies, most activity happens behind closed doors, whereas in India the public spaces, especially the streets, are the sites for interaction. Open markets, street corner markets, weekly haats, door to door service are a part of our tradition and culture.

Street vendors are both part of our tradition and yet integrated into the modern markets. They are traditional entrepreneurs providing modern goods. The consumers prefer them because they are cheaper and often provide better service than the shops. Over half the urban population with lower incomes is totally dependent on them. The better-off consumers too buy at least 50% of their needs from them. The street vendors constitute 2% to 3% of the urban population, i.e., for every 30 to 50 persons there is one vendor. Or for every 6 to 10 families there is one street vendor to serve them. The second major principle is that every project should ensure service to and convenience of the consumers.

Economic growth and commerce: It has to be recognised that the hawkers are an essential part of the city's commercial system. For example, it has been calculated on a conservative estimate that the hawkers of Mumbai city have an estimated turnover of Rs 6000 crore a year in addition to providing direct and indirect employment to more than 400,000 persons. Given the above, it is necessary to recognise vendors as a full-fledged rather than marginal sector of the economy. The third principle is to increase the earnings and commercial possibilities of the street vendors through both space allocation as well as other inputs such as credit.

Each city ends up creating certain 'natural markets'. Even when suppressed by police and municipal authorities, these markets take on a life of their own.

Similarly, every city has its own locational arrangements. Within these arrangements the consumers prefer to buy their products in different ways. In cities with a longitudinal layout and where travel time consumes a large part of the day (as in Mumbai), the consumers prefer to access goods along the travel routes. In cities where there is a separation of commercial and residential areas, consumers prefer to buy certain goods such as fruits and vegetables nearer the home and other goods in commercial areas.

Although the natural markets will vary according to the city's layout, there are certain principles which generally apply to all cities. For example: (*i*) The need for fruit, coconuts and cooked food outside hospitals for the patients and relatives; (*ii*) the need for prasad, garlands, coconuts and so on outside mandirs and Kurans, topis out-side masjids; (*iii*) the need for fruit, cold drinks, cooked food, pan-bidi, travel items outside railway stations; (*iv*) the need for fresh fruit, vegetables, fishes, cutlery (i.e. small household goods) near residential colonies; (*v*) the need for cooked food, pan-bidi, cold drinks and stationary items out-side offices; (*vi*) the need for snacks, drinks and small household items near bus stops; (*vii*) the need for snacks, drinks, amusement items near parks.

In addition, there are specialised markets such as for garments, old clothes, second hand furniture and so on. Furthermore, special markets are needed during festival times. All these natural markets exist in residential as well as commercial zones, although their nature is different.

The street vendor, in many ways, is a metaphor for the interactions in the urban areas. He/she symbolizes the link between rich and poor, formal and informal, public and private, trade and production. These interactions have many sides, some pleasant and productive, some discordant and confrontational. In order to build a stable urban culture, we need to reduce confrontation by opening forums for dialogue and accommodation to enable all sections of the population to live and interact in harmony with each other.

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A raw deal?

SHARIT K BHOWMIK

WORKERS in the informal sector account for around 92% of the total workforce in India. According to the 1991 census the total number of employed was 317 million. Of these only 27 million were employed in the organized sector and the rest were in the unorganized sector, a majority of them self-employed. Hawkers and street vendors fall in this category and constitute a significant proportion of the urban informal sector.

This paper examines the various perceptions about hawkers, especially those of the civic authorities, sections of the urban population and the hawkers themselves. Much of the data is based on preliminary results of a study of hawkers in eight cities conducted by the National Alliance of Street Vendors of India (NASVI).*

It may be recalled that Hart developed the concept of an 'informal sector' in his study of markets in Ghana.[1] He found that there were scores of villagers who migrated to the towns to sell their products while others hired out their services as casual labour. Since these people rendered services which were unlicensed, or did not involve legal contracts and v re thus unprotected, they were categorised as the informal sector.

It was believed that as these societies developed the informal sec-

tor would be absorbed into the formal/organized sector. This belief was subsequently found to be incorrect. Far from being absorbed into the organized sector, the informal/unorganized sector has in fact expanded in all countries, including developed ones. However, what is significant is that it was through the existence of hawkers that the concept of an informal sector was developed. Hawkers, thus, are not only a significant part of the informal sector but an integral part of the urban economy.

Hawkers perform a number of services for the urban population, especially for the economically weaker sections. They sell cooked food, fresh vegetables, household goods, clothes and other articles of consumption. Their rates are usually lower than those charged by shops and stores and hence affordable to the urban poor. Moreover, their services are easily accessible to consumers.

In most Indian cities, the urban poor survive by working in the informal sector. Poverty and lack of gainful employment in the rural areas and smaller towns drives large numbers to the cities for work and livelihood. These people generally possess low skills and lack the education required for better-paid jobs in the organized sector. Besides, permanent/protected jobs in the organized sector are shrinking; hence even those with the requisite skills are unable to find proper employment. For these people, work in the informal sector is the only avenue for survival. This has led to a rapid

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* The author is the coordinator of the study initiated by NASVI on hawkers.

1. Keith Hart, 'Informal Income Opportunities and Urban Employment in Ghana', *Journal of Modern African Studies* 11(1), 1973, pp. 61-89

growth of the informal sector in most metropolitan cities.

In 1961, for example, 65% of Mumbai's workforce was employed in the organized sector while 35% in the unorganized/informal sector.[2] Thirty years later, in 1991, the proportion had reversed and only 35% of those employed were in the organized sector and the rest in the informal sector.[3] For the urban poor, hawking provides a major avenue of earning a livelihood as it requires minor financial inputs and low skills. A large section of the urban hawkers are either illiterate or with only a few years of schooling.[4] A study of hawkers in Mumbai showed that one-fourth of them were illiterate. The cost of the wares they sold varied between Rs 500 and Rs 2000.[5]

These factors have led to a growing population of hawkers in the major Indian cities. Mumbai has the largest number, around 200,000; Ahmedabad and Patna 80,000 each and Indore and Bangalore 30,000 hawkers. Calcutta

2 Heather Joshi and Vijay Joshi, *Surplus Labour and the City. A Study of Bombay*, Oxford University Press, New Delhi, 1974.

3. Mumbai Metropolitan Region Development Authority (MMRDA), Draft Plan for 1995-2005, Mumbai, 1997.

4. This is based on the data collected for a study carried out by the National Alliance of Street Vendors of India (NASVI) in eight cities. The cities are: Mumbai, Calcutta, Ahmedabad, Bangalore, Patna, Bhubaneshwar, Imphal and Indore. A researcher was appointed in each of these cities to collect information on various aspects of hawking and street vending. This included municipal and police laws, study of urban plans to assess the use of public space, mapping of hawkers' organizations, socio-economic study of hawkers and the perception of consumers. Some of the data collected has been included in this paper.

5. 'Census Survey of Hawkers on Municipal Lands' conducted by the Tata Institute of Social Sciences (TISS) and Youth for Unity and Voluntary Action (YUVA) on behalf of Brihanmumbai Municipal Corporation in March 1998

has more than 100,000 hawkers. They in turn provide additional employment to many others who assist them in their work. The total employment provided through hawking is therefore fairly large.

Besides, many of the goods sold by hawkers, such as clothes and hosiery, leather and moulded plastic goods, and household items are manufactured in small-scale or home-based industries. These industries employ a large number of workers. The manufacturers could hardly have marketed the products on their own. Hawkers, therefore, not only provide a market for manufacturers, they also help sustain employment in industry. These aspects are, however, ignored by the urban authorities – the municipality and the police – because more often than not, hawking is considered an illegal activity and hawkers are treated as criminals. Below, we review municipal laws prevalent in some cities.

Let us start with Calcutta. The Left Front government which has ruled the state of West Bengal for 23 years, boasts of pro-people and pro-poor policies. However, for the hawkers it was perhaps the harshest regime. The state government and the Calcutta Municipal Corporation, which too is controlled by constituents of the Left Front, launched the most severe attacks on hawkers. On the night of 26-27 November 1996, nearly 100,000 hawkers were forcibly evicted by the police and municipal authorities and their goods, valued at crores of rupees, confiscated. Operation Sunshine was by all accounts the most brutal action against vendors. No other municipality in the country has resorted to such extreme measures to suppress the urban poor.

But matters did not end there. In 1997, the state legislature, through an

amendment of the Calcutta Municipal Corporation Act, declared any form of unauthorised occupation of streets and pavements by hawkers a cognisable and non-bailable offence. Such an offence could lead to imprisonment or imposition of a fine or both.[6] What is more appalling is that while offences such as rape and homicide are bailable, a vendor who attempts to eke out an existence by selling goods on the street is considered a dangerous criminal.

The government was unable to enforce this legislation because of resistance from the hawkers. During Operation Sunshine, all unions of hawkers in the city, with the exception of those affiliated to CITU, formed a joint front known as Hawkers' Sangram Committee. This organization was effective in preventing further eviction of hawkers and in rehabilitating those evicted.

Though municipal and police laws elsewhere are not as severe as those in Calcutta, they too tend to curb hawking. In Patna, hawkers are restricted by the Bihar Police Act (section 34) which states that any person exposing goods for sale on the streets is liable to arrest by the police without a warrant. The magistrate can impose a fine or sentence the guilty to jail. The municipalities in Karnataka are expected to provide licenses for hawkers who sell vegetables and provide suitable spaces for them. However, licenses can be granted only for permanent structures (shops, kiosks, etc.).[7] Most hawkers selling vegetables near the municipal markets in

6 'The Calcutta Municipal Corporation (Second Amendment) Bill, 1997', *The Calcutta Gazette*, 19 November 1997, Calcutta

7 Karnataka Municipalities (regulation and inspection of private markets, slaughterhouses and other places of sale of articles intended for human food) Bye-laws, 1966.

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Bangalore squat on the pavements and are thus ineligible.

In Mumbai and Ahmedabad hawkers are evicted mainly under sections 102 and 107 of the Bombay Police Act (this act and the Bombay Municipal Corporation Act are applicable to Maharashtra and Gujarat). These sections stipulate that anyone preventing smooth flow of traffic can be arrested. The Bombay Municipal Corporation Act prevents anyone from selling goods or blocking pavements without a license. Incidentally, the BMC issued only 14,000 licenses whereas there were over 200,000 hawkers in the city.

The right to regulate the streets rests with two authorities – the traffic police for motorable roads, and the municipal corporation for use of pavements. The latter is empowered to remove illegal construction or encroachment on the pavements. When hawkers are evicted, their goods are confiscated by the municipal authorities. A fine has to be paid before the confiscated goods are returned. At times, as in the case of handcart sellers in Mumbai, the fine (Rs 5,000) often exceeds the value of confiscated goods.

Most cities have police and municipal laws that help to protect public spaces and allow free flow of traffic on the roads. Hawkers are the victims of these laws because they are viewed as the main obstructers and encroachers. The many other forms of encroachment are overlooked by the municipal authorities and the police. The rapid increase of vehicles on roads creates problems, not only of traffic congestion but also of parking space. Shops often encroach onto pavements by illegal extensions; nor is it uncommon to find residents grabbing public space in front of their houses/buildings for private gardens.

Such encroachments are tolerated and in most cases regularised by the municipal authorities. Municipalities rarely pull down illegal extensions by the shop owners; they are content with issuing them notices and at times imposing a fine.

In order to prevent illegal parking, municipalities create parking lots in public spaces. For example, in the upmarket south Mumbai area, the wide roads in Fort and Mahatma Phule market were cordoned-off for parking. In fact, the wide pavement opposite the Municipal Corporation's office was made into a car park. On several of the city's pavements the government has set up hundreds of permanent counters for selling food,[8] allegedly for the poor. These structures occupy more than half the pavement and obstruct pedestrians more drastically than the hawkers. Moreover, these are permanent constructions which cannot be removed while hawkers can be relocated if necessary. Yet the flak for creating congestion on the roads is borne only by the hawkers.

Who are the hawkers? Our findings are based on a socio-economic study conducted by NASVI of hawkers in some cities (see fn. 4). The researchers in each of the cities covered around 300 hawkers from different areas selling a variety of items.

It was found that a majority of the hawkers were males. Ahmedabad had a large section of women vendors while Calcutta few women vendors. Imphal on the other hand had only women vendors. In the other cities more than 60% of the hawkers were

8. These shops were supposed to provide *zunka bhakar*, a low cost traditional meal for the poor, and were given to the allegedly unemployed party cadre of the Shiv Sena. This project was discontinued within a couple of years of its inception. The shops were allowed to sell other eatables.

males. Not surprisingly, the volume of trade of female hawkers was much lower. In Ahmedabad and in Mumbai, women hawkers usually sold vegetables, flowers and fruits in small quantities. The women were poor and needed to hawk in order to supplement the meagre family earnings. In Imphal too, where hawkers were exclusively women, they were from the poorer section of the population.

As mentioned earlier, people with low level skills take to hawking as a form of existence. In Mumbai and Bangalore around 25% of the hawkers were illiterate, the proportion being higher in the other cities. Around 80% of the hawkers in the cities covered by the survey were either illiterate or had read up to middle school (eighth standard). The others had completed high school and a few were graduates. The most common reason for joining this profession was because hawking was considered more respectable than other jobs available in the unorganized sector. Another important reason was the low investment required. They could start by using their own savings or borrowing from friends and relatives. In Mumbai, we found a number of respondents (20% of the sample) who were earlier employed as workers in the organized sector (mainly textile mills) but had lost their jobs due to a closure of the mills.

The daily income of the hawkers ranged from Rs 50 to Rs 1,000. The survey conducted by TISS-YUVA in Mumbai (see fn. 5) computed the average income as between Rs 50 to Rs 80 per day. Our study showed that incomes varied but most women earned between Rs 30 and Rs 60 whereas the men earned between Rs 50 and Rs 150. In Patna and Bhubaneshwar the average income of a hawker was Rs 50 a day, i.e., around

Rs 1,500 a month and in Bangalore none of the hawkers earned more than Rs 3,000 a month. Hence, across cities the income was more or less similar—ranging from Rs 50 to Rs 100 per day.

The above mentioned income does not include bribes or protection money paid by hawkers to the local authorities (municipal and police) and local gangsters. The NASVI study found that hawkers parted with between 10% to 20% of their earnings to authorities and goons who acted as their 'protectors'. The situation was more or less the same in other cities covered by this study.

The intensity of extortion varied between cities as also in areas within the city. In areas where unions had resisted police and municipal harassment, the collection of bribes was low. In some areas the local union, usually run by gangsters, undertook regular collections from the hawkers as protection money. A part of the collection was handed over to the police. Besides these collections, hawkers were constantly pressurised by local youth during festivals (Holi and Ganesh Chaturthi in Mumbai, Durga Puja and Kali Puja in Calcutta). The total income of a hawker was thus considerably reduced.

In order to earn their meagre livelihood, hawkers needed to put in at least 10 to 14 hours of hard work. Those who sold perishable goods like fruits and vegetables spent an additional couple of hours in the morning to procure these goods from the wholesale markets or through agents. In Imphal, for example, the markets were at their peak from 6.30 to 8.30 am. The women selling fish and vegetables started work at 4 am and returned home at around 12 noon. They came back to the market at 5 pm and got back to their homes only at

8.30 pm. In the other cities hawkers spent at least 12 hours at work. In some cases, as in Patna, where they had to walk long distances from their homes, the time spent was between 14 to 16 hours.

Few hawkers lived near their place of work. Hawkers in the working class areas of central Mumbai (Lal Bagh, Parel, etc.) resided in nearby chawls or hutments, but even there they worked from 10 am till 8.30 pm. Those at other places, especially the business district in south Mumbai, travelled long distances by suburban trains or by bus. For example, we found that a large section of hawkers in the Fort area lived in the suburbs. They closed their business at 10 pm while they left their homes at 7 am.

In Patna, only 21% of the hawkers had workplaces near their homes while 53% travelled 10 to 12 kms. They did so on foot as the other forms of transport (auto-rickshaw or cycle-rickshaw) were too expensive. This added another three hours in commuting time. A large number of hawkers in Calcutta, especially those selling cut fruits and food items in the business district of BBD Bagh-Esplanade and those selling vegetables near the municipal markets, resided in the neighbouring villages of the city. They left their homes at 4 am to collect goods and boarded suburban trains at 6 or 7 am in order to reach their places of work by 9 or 10 am.

The remuneration for hawkers was poor compared to the effort they had to put in. An overwhelmingly large number of hawkers worked under immense physical strain in order to earn a living. Besides, they were under constant fear of eviction and harassment.

In order to assess the views of those who bought goods from hawkers, the NASVI study interviewed

around 150 consumers from each of the cities. We note below some of the main findings.

In general it was found that the economically weaker sections of urban society — the lower middle class and the poor — were the main beneficiaries as they procured their necessities at lower costs from the hawkers. The study found that even those from the better-off sections of society patronised hawkers. In Mumbai the richer sections bought fruit and vegetable while the youth purchased clothes from them. The garment sellers in Fashion Street and Colaba Causeway, both in south Mumbai, Linking Road in Bandra in the western suburbs, had regular clients from the upper classes. The vegetable markets in Bandra, Ville Parle railway station and Santa Cruz (west) had clients who were economically better-off. However, a majority of the consumers were from the middle and lower middle classes.

The main beneficiaries of the food hawkers in Mumbai were the poorer sections, especially those working in offices and commercial establishments. It is estimated that around 30% of Mumbai's workforce ate at least one meal a day buying from hawkers. The food they got was cheap and filling. These people would have spent far more if they ate in restaurants. In Mumbai the average middle class consumer spent around Rs 1,000 a month in purchases from hawkers for household consumption. The expenditure would be higher if it included the purchases of cigarettes, pan etc. Those from the lower middle class and the poor spent between Rs 500 to Rs 800 per month.

The survey in Calcutta showed that 82% of the consumers bought vegetables daily, or more than three times a week, from hawkers. Other

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items purchased from them included pan and cigarettes, tea and snacks, and newspapers and periodicals while at work. It was found that on average the middle class consumer spent Rs 1,700 a month in purchases from hawkers. Consumers in Bangalore (95%) spent between Rs 5 and Rs 100 on purchases from hawkers each day. In Ahmedabad 68% of the consumers, all of whom belonged to lower middle class or the poor, purchased goods worth Rs 550 to Rs 1,000 a month. For those belonging to the middle class, purchases were around Rs 1,500 a month.

In the other cities too it was found that a middle class consumer purchased goods worth more than Rs 1,000 a month from hawkers while those from the lower middle class bought goods worth Rs 800. While comparing the income of the different groups with the purchases from hawkers, it was found that the proportion of the income spent in buying from hawkers was definitely higher as the income levels decreased. In these cities, besides purchasing the basic necessities from fair price (ration) shops, the lower middle class and the poor bought all their requirements from hawkers.

In Mumbai, consumers preferred hawkers because services were provided at convenient places, saving them time They felt that hawkers near their homes and near the railway stations were most conveniently placed This was important as it saved time and energy after a long day's work.

In Patna 76% of the consumers preferred hawkers because of convenience and saving of time while 44% preferred them because they provided fresh vegetables. In Bangalore 83% of the consumers purchased goods from hawkers who visited their homes (mobile hawkers) or at the

local market. They felt that mobile hawkers were convenient and provided fresh and cheap vegetables. Consumers in Ahmedabad too preferred them for the same reasons. One-fourth of those interviewed patronised food hawkers because the food they sold was tasty.

While commenting on the negative aspects of hawking, consumers in all cities stated that they cluttered the pavements and roads and caused inconvenience to pedestrians. They also felt that hawkers contributed to the filth in the city. Other complaints included cheating in weighing; consumers in Patna and Ahmedabad complained about mobile vendors who disturbed them at odd hours.

Hawkers have been a part of the urban scenario for long and are now a feature of the life of our cities. However, this is not the only reason for their continuance. The increasing proportion of the urban informal sector coupled with a shrinking of the organized sector have added to the number of hawkers in two ways.

First, as noted earlier, for the low skilled migrants seeking employment in the city, hawking is a means of earning a livelihood. In this way a section of the urban poor are absorbed into gainful employment. Furthermore, the numbers have increased due to large-scale layoffs in organized industry. Many retrenched workers are able to provide for their families by taking to street vending. The study conducted by NASVI shows that around 20% of the hawkers covered in Mumbai were once permanent employees in the organized sector.

In Ahmedabad, around 30% of the male hawkers had previously worked in large factories. In both cities a large number of factories, especially textile mills, had closed down. As a result, the composition of

the workforce had significantly changed. It was noted earlier that over 65% of Mumbai's workforce was in the unorganized sector and in Ahmedabad this sector engaged more than 75% of the city's workforce. In both cities a decline in the manufacturing sector has led to a sharp increase in the services sector.

The second reason for an increase in hawkers is the growing number of urban poor. These people procure their basic necessities mainly through hawkers, as the goods sold are inexpensive. Had there been no hawkers in the cities, the plight of the urban poor and lower middle class would have been worse. It would have led to greater social problems and unrest. In this way one section of urban poor, namely, hawkers, helps another section to survive. Hence, though hawkers are viewed as a problem for urban governance, they are in fact a solution to the problems of the urban poor. By providing cheaper commodities hawkers are subsidising the urban poor, something which the government ought to do.

A proliferation of hawkers in the urban areas is mainly a result of the two factors discussed above. A ban on hawking will only aggravate the problems of the urban poor. It will not only deprive a section of the urban population from gainful employment but will increase the cost of living for the poor. This, in turn, will lead to an increase in crime affecting public safety. At the same time it cannot be disputed that hawkers do create problems for pedestrians and commuters. However, the solution lies not in banning or curbing hawking but in regulation. This can only be achieved once the municipal authorities stop treating hawkers as anti-social elements. Hawking can be regulated only if it is legalised.

So far we have examined different aspects of hawking. Though hawkers perform an important role in urban life their importance is considerably undermined by the government and local administration because most state legislatures have made hawking an illegal profession and hence hawkers are under constant threat of eviction and victimisation. At the same time it is evident that hawking cannot be done away with, not merely because of the large number of people who are dependent on it for their livelihood, but also because the common urban dweller benefits from their services. Hawkers exist because the consumers want them to exist.

There are no legal reasons for preventing hawking. In 1989 the Supreme Court, in a major judgement, ruled that every individual has a fundamental right to earn a livelihood.[9] Hawking is thus a fundamental right provided it does not infringe on the rights of others. The Court directed all state governments to regularise hawking through zones. Despite the Court's directive, few state governments have moved their municipal authorities to make adequate provisions for hawking. The municipal authorities in Mumbai, Delhi, Calcutta and Bangalore have tried to create zones, but in most cases this has led to protests from hawkers as well as residents' associations.

The unfortunate part of the above efforts is that the problem is looked at in a piecemeal manner. A broad and holistic approach is needed to find solutions. For example, while formulating urban plans it is necessary to take into account the right of hawkers to public spaces. All urban plans demarcate public spaces for specific purposes such as parks and gardens,

educational institutions, hospitals and so on. Hawking too needs to be included in this exercise.

Plans must take into account the idea of natural markets in urban areas. These are usually the most convenient spots for consumers. These markets need to be developed and regulated; instead we find that the authorities forcibly try to remove them. For example, our survey of consumers in Mumbai showed that most of them bought goods from hawkers near the railway stations. Instead of developing the area around the stations as natural markets, the municipal corporation is determined to evict hawkers from these places. This will result in people losing their livelihood and the consumers being inconvenienced. Similarly, areas around municipal markets, major bus stops, places of worship, hospitals, public places emerge as natural markets which need to be developed.

The recognition of hawking as a profession would also benefit the municipality as it would be able to officially enforce levies. For example, in Imphal, which is perhaps the only city where hawkers are included in the urban plan, the municipality not only provides space for them but also charges a fee for garbage collection and sweeping, besides collecting license fees. In a city like Mumbai such fees could amount to several hundred crores of rupees annually. Instead, the hawkers end up paying even more as bribes to prevent harassment.

For the hawkers, legal recognition would mean that they have a right to their profession, which would in turn loosen the stranglehold of corrupt officials, policemen and gangsters. It would enable them to raise loans from public institutions, thus reducing the hold moneylenders have over them.

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9 Sodhan Singh vs NDMC (1989, 4 SCC 155)

Encroachers or service providers?

GEETAM TIWARI

ROADSIDE vendors have often been treated as illegal occupants of road space by the authorities. Traffic and transport planners too view their presence as unnecessary and an impediment to the efficient movement of pedestrians and motorised traffic. Every now and then city authorities launch a drive to evict or shift them to different locations. All these decisions are taken by officials who don't use the services of these vendors. Though it is somewhat fashionable these days to talk about participative decision-making, but decisions are often taken without the involvement of the stakeholders – the vendors and their customers.

In this paper we propose that, given the heterogeneous structure of our society, the presence of roadside vendors is inevitable. Once we accept the fact that they provide legitimate services needed by the road users, it is possible to design spaces for them on the road as an integral part of road development plans. Such designs can ensure efficient movement of vehicles

and pedestrians without causing hardship to honest hardworking citizens – the vendors

With just 25.72% of its population living in urban areas, India is one of the least urbanized countries of the world [1] However, the total urban population of India exceeds the total population of all countries except China and the USA. Thus, in terms of the absolute urban population and the problems of urban development faced by India, the country is highly urbanized. Between 1901 and 1991, while the urban population increased nine times, the number of urban settlements doubled The share of Class I cities in the total urban population in the same period increased from 26% to 65%, indicating greater migration to larger size cities

Within Class I cities, 23 cities with a million or more population claim 51% of the population. The corresponding share of Class II and Class III cities has generally remained constant whereas that of Class IV, Class V and Class VI cities has declined. Urban concentration has taken place not only due to natural growth but also from migration, both from rural to urban areas and from smaller towns to larger cities, indicating the uneven spread of economic activities, concentrated primarily in larger cities.

The spatial spread of the cities has also changed The city limit is now indicated by urban sprawl. A city may have more than one municipality; it may even contain villages and agricultural lands, and its area may transgress several states Generally Class I cities, and metropolitan cities in particular, have outgrown their municipal

1 R P Misra. 'Urban India: Historical Roots and Contemporary Scenario', in R P Misra and Kamlesh Misra (eds), *Million Cities of India*. Sustainable Development Foundation, Delhi, 1998, p 52

boundaries. The sprawl in the four mega cities of the country has been phenomenal within the last two decades. The city now consists of a small old core which is congested, with narrow streets, old houses, its land use often mixed and unregulated. Then there are the unplanned and spontaneously developed parts of the city, usually beyond the municipal limits but also within it, particularly along the arterial road or the main highway going out of the city.

These spontaneous settlements are of two types: one inhabited by the lower and middle classes who, due to mismanagement of the land market, cannot afford to buy land for housing. The other category consists of squatter settlements which are spread all over the city. These are largely inhabited by the poorer sections of society, specially construction labourers and informal workers. The larger the city, the greater the number of slums and squatter settlements. In the mega cities and million cities of India, 40-50% of the population lives in these informal housing colonies.

The third category consists of planned residential colonies built by the public, private or cooperative sectors. These are high income residential houses and multi-storeyed flats with well laid out roads and other urban services. Public transport and private cars ensure easy access to the city centre as well as the shopping areas. The fourth category is commercial. It is planned and has multi storeyed buildings. These have been located to create multi-centred cities. The fifth and the final category is the urban fringe where the urban and rural divide becomes blurred. These heterogeneous urban patterns have resulted in varied travel demand and transportation systems in Indian cities. In all these areas there is ample space

on the road to provide right of way for motorised traffic, while ensuring bicycle lanes, pedestrian paths, bus stand and spaces for vendors.

Most metropolitan cities in India prepared master plans in the 1960s. These were patterned along the following themes: (i) Demographic projection and decision on the level at which the population shall be contained; (ii) Allocation of population to various zones depending on existing density level, infrastructure capacity and future density levels; (iii) Land-use zoning to achieve the desired allocation of population and activities in various zones as projected; (iv) Large scale acquisition of land with a view to ensuring planned development.

The planning framework, as adopted in the preparation of master plans, is completely divorced from resource assessment. The process also does not invoke any procedures for involving the community and creating a consensus on contentious issues. The net effect of these inadequacies is that most urban growth has long taken place outside the formal planning system. Informal residential and business premises and developments increasingly dominate new urban areas. Even in our mega-cities, where half or more of the city's population and many of its economic activities are located in illegal or informal settlements, urban planners continue to rely on traditional master-planning approaches with their role restricted to servicing the minority, high income residents. Only a few weak attempts have been made to bring some coordination of development and 'services' to informal areas through slum improvement schemes

In most metropolitan cities transport and urban planners have followed standard textbook procedures and solutions in dealing with urban

TABLE 1

Mode	1957	1969	1981	1994	1994¹	1999'*

Modal Share in Delhi

Mode	1957	1969	1981	1994	1994¹	1999'*
Cycle	36.00	28.01	17.00	6.61	4 51	2 75
Bus	22 40	39.57	59.74	62.00	42 00	36 20
Car	10.10	15 54	5.53	6 94	4.74	28.35
SC/MC	1 00	8 42	11.07	.17 59	12 00	29.29
Auto	7 80	3.88	0.77	2 80	1.91	1.74
Taxi	4.40	1.16	0.23	0.06		0.04
Rail	0.40	1 23	1.56	0.38	0 26	
Others	17 90	2 19	4.10	3 62		2 47
Walk					31.77	1 62
Total	100.00	100 00	100.00	100.00	100 00	100 00

Source. HouseholdTravel Surveys in Delhi, 1994 ORG: * including walk trips;** IIT survey of 2000 households living in DDA colonies.

sprawl and traffic congestion. Large scale integrated land use transport models have been used to support policies and plan documents favouring high density planned neighbourhoods, and capacity expansion of arterial corridors to meet future travel demands. Despite efforts at promoting mixed land use planning, the presence and growth of 'unauthorized settlements' and pavement dwelling defies the master plans. Nearly 40-65% of the population of our mega cities lives in substandard living areas: in notified slum areas and slum rehabilitation colonies with minimal supply of drinking water, sewage disposal and electricity. Since the jhuggi-jhonpri clusters are spread almost evenly all over our cities, it becomes necessary that our plans take into account the needs of these citizens.

A large number of dwelling units have been set up by migrant workers at places not earmarked for residential units. Even the master plan does not envision a living area for workers earning low wages in city-based industries. Many factories and small scale production units work entirely outside the gamut of the law. The government agencies themselves admit failure and helplessness in enforcing the current minimum wages, which too do not account for housing costs. Therefore, a large section of the popu-

lation with low incomes ends up in sub-standard housing on public land owned by various government agencies.

The rising cost of transport within the city and long working hours force workers to live close to their workplaces. A violation of the law thus becomes a pre-condition for their survival. A large number of people living in these units are employed in the informal sector providing various services to the outer areas of the city. However, due to lack of employment opportunities, people living in these areas have to commute long distances across the city in search of employment. Unlike the traffic in cities of high income countries (HICs), bicycles, pedestrians and other non motorised modes are present in significant

TABLE 2

Mode Shares of Low Income Households
(average income Rs 2000)

Cycle	38 87
Bus	31 43
Car	0 00
SC/MC	2 48
Auto	0 96
Taxi	0 00
Rail	1 79
Others	2.34
Walk	22.12
Total	100.00

Source IIT survey of 1500 households in unauthorised colonies and slums, 1999.

numbers on the arterial roads and inter-city highways. Their presence persists despite the fact that engineers designed these highway facilities for the uninterrupted flow of fast moving motorised vehicles.

Urban transport in Indian cities reflects the heterogeneity in the socio-economic and land use patterns. It is dominated by walk trips, non motorised modes such as bicycles and rickshaws, and motorised para transit and public transport depending on the size of the city. A high share of non-motorised vehicles (NMVs) and motorized two wheelers (MTW) characterizes the transport system of Indian cities.

If access trips are ignored, the share of walk trips declines as population and trip lengths increase with city size. Public transport plays a limited role in cities with population upto 15-20 lakhs. Intermediate public transport (IPT) or para transit modes, both motorised three wheeler tempos and non-motorised cycle rickshaws, play an important role in intra-city travel. Motorised two wheelers satisfy more than 25% of transport demand in all city sizes, except for cities with population of 50 lakhs and above.[2] Though the share of bicycle trips reduce with an increase in city size, absolute numbers of bicycles have neverthe less increased even in mega cities like Delhi. A recent survey in Delhi shows vast difference in commuting patterns of low income households living in JJ clusters versus medium and high income households living in DDA flats (Table 1).

The number of bicycles and cycle rickshaws in the city are esti-

2. Traffic and Transportation Policies and Strategies in Urban Areas in India, Final Report Ministry of Urban Affairs and Employment, New Delhi, Government of India, March 1998, p. ES-3.

mated at 1.5 million and 110,000-300,000 respectively. Except Mumbai, where suburban rail plays a major role in providing public transport, the other mega cities are primarily served by bus based transport. Skeletal bus services exist in a few other million plus cities also.

The road network is used by at least seven categories of motorized and non-motorised vehicles. Vehicles ranging in width from 0.60 m to 2.6 m, and capable of maximum speeds ranging from 15 km/h to 100 km/h, share the same road space. All these vehicles which have varied dynamics and static characteristics share the same carriageway. Thus traffic is characterised by a lack of effective channelisation, mode segregation or control of speeds. To a formally trained planner, it looks like chaos moving towards total gridlock. Yet the people and goods keep getting through and may, by some measures, actually be faring better than in some controlled conditions.

Generally, large cities have a smaller share of slow traffic in inner areas. Data from Delhi shows the presence of slow vehicles at the outskirts

also. Since a large number of low income people commute from the city fringe to the inner city, slow moving vehicles constitute a major presence on intercity highways.

Bicycles, pedestrians and bus traffic attract street vendors. Often the side roads and pedestrian paths are occupied by people selling food, drinks and other articles which are in demand by road users. Vendors often locate themselves at places which are natural markets for them. A careful analysis of the location of vendors, their numbers at each location and the type of services provided clearly shows that they are needed since they work under completely 'free market' principles. If their services were not required at those locations, they would have no incentive to be there. Road and city authorities, however, view their existence as illegal.

Often, an argument is advanced that road capacity is reduced by the presence of street vendors and hawkers. If we apply the same principle that is used for the design of road environment for motorised traffic, especially private cars, then vendors have a

valid and legal place in the road environment. Highway design manuals recommend frequency and design of service area for motorised vehicles. Street vendors and hawkers serve the same function for pedestrians, bicy-

<div align="center">

TABLE 3

Share of Fast and Slow Vehicles at Inner-city Locations

</div>

City	Population (1991) (Lakhs)	Average Share of Fast Traffic (%)	Average Share of Slow Traffic (%)
Shimla	1.1	100	
Guruvayur	1.19	81	19
Agartala	1.57	35	65
Panipat	1 91	72	28
Tirupur	3.06	75	25
Udaipur	3 09	75	25
Rourkela	3 99	48	52
Guwahati	5.84	71	29
Hubli-Dharwad	6 48	83	17
Dhanbad	8 15	70	30
Vijaywada	8 45	51	49
Varanasi	10 31	46	54
Vadodra	10 31	71	29
Ludhiana	10 43	53	47
Vishakapatnam	10 54	81	19
Bhopal	10.63	83	17
Nagpur	16.64	59	41
Kanpur	20 37	40	60
Pune	24.94	79	21
Ahmedabad	33.12	71	29
Calcutta	110.22	84	16

Source: RITES Survey, 1994.

PROPOSED LAYOUT PLAN FOR AREA MARKED AND DESIGNED FOR HAWKERS

Figure 1

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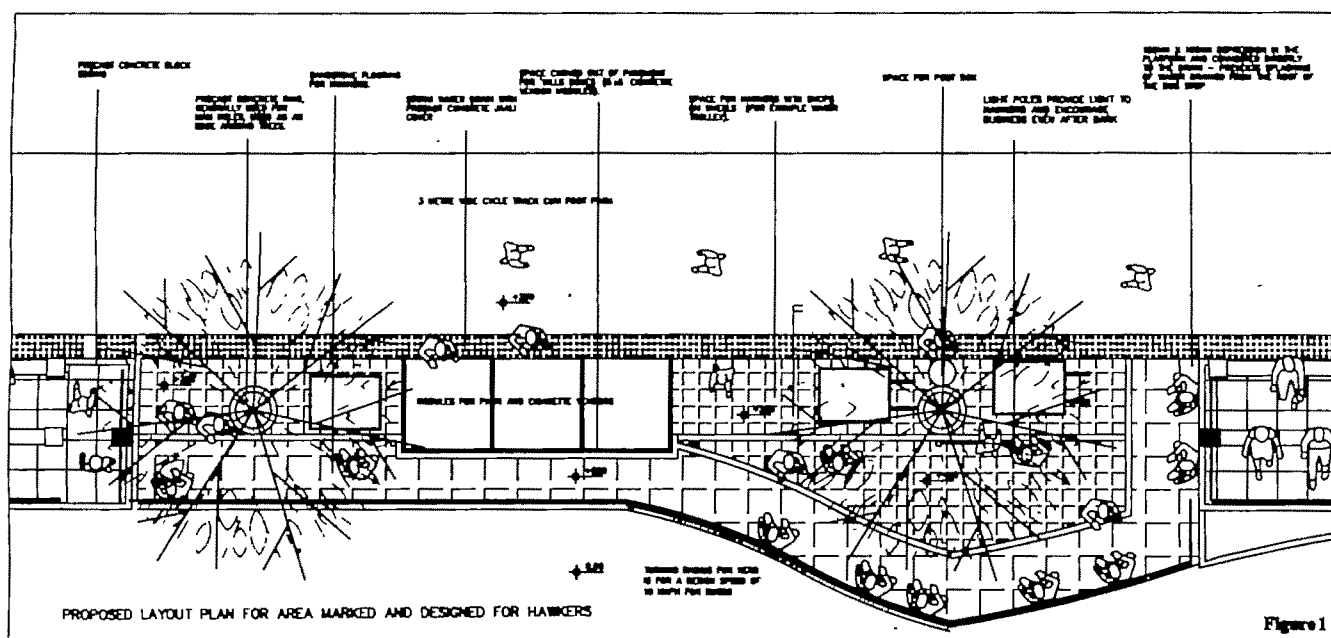
clists and bus users. Pedestrians need cobblers on the road to have their footwear fixed, just as much as car owners need tyre repair shops Bicyclists need repair shops to have their tyres, chains and pedals fixed. All commuters need cold drinks, snacks and other services on the roadside. These services have to exist at frequent intervals, otherwise walking or bicycling would become impossible, especially in summer. As long as our urban roads are used by these various sections, street vendors will remain inevitable

The official position regarding vendors is that even if a few of them are allowed on our roads, then their numbers will proliferate. However, our survey shows that the number of vendors on a road is closely related to the density and flow of bicyclists, pedestrians and bus commuters.

A well functioning road infrastructure must satisfy the requirements of all road users. Pedestrians, bicyclists and non-motorised rickshaws are the most critical elements in mixed traffic in Indian cities It is this group of road users that needs the services of

vendors the most If infrastructure design does not meet their requirements then all modes of transport will operate in sub-optimal conditions. An efficient and safe road-traffic system must satisfy two design principles:
1) Arterial roads which have more than 30 m right of way (ROW) must have physically segregated bicycle/ non-motorised vehicle (NMV) paths, which cannot be used by motorised vehicles (especially motorised two wheelers)
2) Average speeds on roads which have less than 30 m ROW must be brought to 20-30 kms/h with the help of traffic calming measures.

Our survey of nearly all the arterial roads in Delhi shows that there is ample space available to satisfy the above criteria and provide space for vendors quite comfortably. We undertook an intensive exercise to do alternate road planning and prepared designs for actual road cross-sections and intersections, taking into account of extant ground reality on the basis of the following criteria:
– Physically segregated bicycle tracks on routes which have >30m ROW.

* Recommended lane width on main carriageway 3m (minimum).
* Recommended lane width for buses 3.3 m (minimum).
* Recommended lane width for bicycles 2.5 m (minimum).
– Separate service lane and footpath. Service lane should include services such as parking for non-motorised vehicles as well, and designed spaces for bicycle repair, shoe repair and other hawkers These spaces should be included in bus stop designs.
* Intersection modification to include the following: Restricted free left turns; modified traffic signal cycle; roadside furniture to ensure safe bicycle movement and minimise interference from motorised two wheelers.

Such a road design allows for efficient flow of traffic, both motorised and non-motorised as also adequate space for vendors along the road. Figure 1 shows the layout for such a road design.

Bus stops should be placed around an intersection so that the walking distance from the crossing is reduced for commuters. The walkable distance in each direction can be reduced to as low
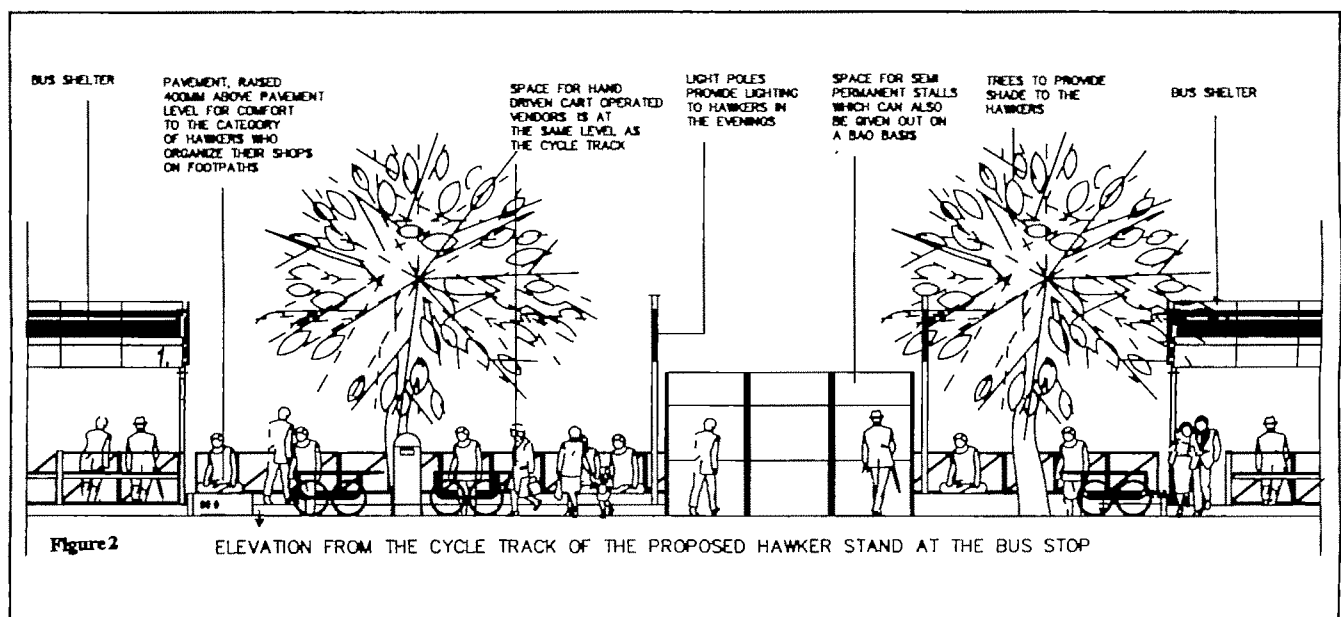
Figure 2 ELEVATION FROM THE CYCLE TRACK OF THE PROPOSED HAWKER STAND AT THE BUS STOP

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as 50 ms. By removing all free left turns and placing the bus stops after the crossing (in each direction of traffic flow). Figure 1 shows a road cross-section with a redesigned bus stop. Bus stops have a 2.8 m wide bus bay, 2.5 m wide bus stop and 1 m wide footpath.

Hawkers have been provided space at the bus stop to minimize disturbance to the regular flow of pedestrian and cyclist traffic. The cycle track is diverted behind the bus stop in a gentle horizontal curve to reduce conflicts of cyclists with buses. This diverted path is raised to the footpath level and can be used by pedestrians too; hence it is widened from 2.5 m to 3 m. Our study shows that all bus stops do not have vendors. In general vendors are to be found only when the flow of bus commuters exceeds a certain level, which also corresponds to the need for providing two bus bays. Figure 2 shows the space made available for vendors between the two bus bays.

Policy-makers seem to be oblivious of the positive impact of street vendors on the social life of a city. The availability of work options on the street provides a positive outlet for employment and earning an honest livelihood to a large section of the population that is poor but with high entrepreneurial skills. Their presence makes streets relatively crime free and safer for women, children and the elderly. Cities which have a large number of street vendors seem to be far safer than those that do not.

A detailed study of vendors selling food on the streets of eight cities in Asia and Africa documents the important role these vendors play in a city.[3] It found that street foods are frequently cheaper than home-prepared

3 Irene Tinker, *Street Foods· Urban Food and Employment in Developing Countries*, Oxford University Press, New York, 1997

foods, especially when time spent shopping and cooking is factored in. This is important as the lower income groups spend 50-80% of their household budget on food. As our cities become larger and more congested, people spend more time on travel and also eat out more often. The street vendors make it possible for the poorer sections of society to obtain nutritious food at affordable prices.

This study showed that cooked cheap meals served by vendors represented outstanding bargains; also that more expensive meals sold in restaurants were not proportionately more nutritional. A surprising finding from Pune was that the cheapest street meals, cooked by the poorest vendors under the worst conditions, were equally or less contaminated with bacteria than samples taken from restaurants. The authors conclude that, 'It is creditable on the part of women street food vendors who sell food in such degraded environment... that the quality of the food they sell is less unsatisfactory than that sold in restaurants.'[4]

Street vendors provide essential services in a city, help make our cities safer and make nutritious food available for the not so rich citizens. Therefore, they should not be considered as criminals and law breakers with attempts made to remove them from our streets. Instead, our roads and pavements need to be designed such that the street vendors can continue their trade without inconveniencing other road users. Our studies and attempts at redesigning the urban roads convince us that this is feasible. If these new designs are implemented, all road users (including those riding in cars) will find an improvement in the life they spend on urban streets.

4. Ibid., p 192.

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Vendors, police and governance

AMOD K KANTH

WE think of vendors as faceless individuals, strangers in the city selling small items, at times carried on the head, in baskets or small carts. They could be squatters in the marketplace or in residential areas or may be mobile in search of customers. The areas where the vendors operate could be affluent, middle class or lower middle class colonies or slums. Most slum dwellers, in fact, depend on them for their day-to-day provisions.

Looking at the Indian economy at all levels, particularly the household economy of the middle and lower classes, a major part of our commerce in terms of day-to-day trade is accounted for by vendors. Yet, they are not taken serious notice of, nor is their role recognised as such, i.e., as perhaps the most useful and dynamic agents of the economy. We often picture them as moving, faceless images. It is only when we need them for our immediate requirements that they even register in our consciousness.

In our professional perception, that is, in the interaction of the vendors with policemen, at most times they come across as transgressing the limits of law The beat or the traffic policemen on the street, whether inside a colony or in the marketplace and definitely on the roads, look at vendors as a major obstruction. No wonder when it comes to keeping the streets, footpaths and places of public utilities clear of obstruction or encroachments, policemen and other enforcement personnel treat vendors as a nuisance to be gotten rid of.

For the vendors, however, it is precisely these sites where they can best make a living. Of course, they obstruct the free flow of pedestrians on footpaths and vehicles on the roads, creating congestion at places which the public use. It is indeed tragic that they have to suffer legal or illegal hardships at the hands of the law enforcement and municipal agencies while, in their own perception, they are engaged in activity which is both necessary and correct. To recall the words of a great historian, 'The tragedy is not the conflict between right and wrong but that between right and right.' Let me make clear that I do not wish to play the devil's advocate, nor do I wish to defend those policemen or enforcement officials who are corrupt and cruel.

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The authorities themselves are caught within conflicting elements, depending on the differing perceptions they have of their respective roles and, at times, those of their political masters and leaders. Conflicts between the police and municipal authorities are often aggravated in the context of the rights of vendors when municipal and land owning authorities grant them 'tehbazari' or some kind of licence or permission to operate in public places. The police on the other hand, feel duty-bound to clear the obstructions being caused on the footpaths. streets and public land. Somewhere, between these conflicting demands on the public roads and spaces of common public use, even right-meaning law enforcement and land owning authorities face a dilemma.

In the prevailing situation, certain questions confront everyone concerned: Is it proper for the vendors to squat on the roads and places meant for vehicular traffic or for pedestrians to walk? Must they make use of the given limited spaces which are meant for other uses? Is it appropriate for the traffic and the beat policeman to look the other way and allow obstructing vendors to continue with their business? Is it appropriate for the municipal and the land owning authorities to permit tehbazari or issue licences thereby creating conditions wherein obstructions attain a legal sanction? On the other hand, given human considerations, is it appropriate for the authorities to thoughtlessly remove the vendors for whom these public places and streets happen to be a lifeline? Perhaps these questions will always remain unanswered.

Since municipal bodies and land owning authorities are the designated agencies to permit, through licence or otherwise, vendors to operate in pub-lic places, one must examine the reasons advanced, and their implications. First, it is not that such people are being granted permission 'only' for the reason that it is their fundamental right to carry on their business unhindered, with reasonable restrictions, at any place during a given time. It is more because there are certain leaders and pressure groups behind their continued existence. Their strength may lie in numbers, in the vote bank they constitute, in lobbying—all indicators of visible and invisible support. Such pressures often compel local bodies to make some kind of arrangement even though law enforcement agencies like the police, or those concerned with providing civic amenities, may be opposed. Second, the municipal authorities often grant licences and collect a fee to conduct business (tehbazari) on the roads, in the market place or even for setting up markets on weekly off days in certain specified places or localities.

Third, vendors are often permitted to carry on with their trade at specified places on account of a 'stay order' from the courts. The perception of the courts may be based on humanitarian or other considerations, but they are often at cross-purpose with the perceptions of the local/municipal authorities and the police. In any case, police perceptions are usually at variance with those of the municipal authorities or the courts. However, when it comes to jeopardising, wrongly or rightly, the interests of the vendors, municipal authorities and the police have to work in tandem.

The police, let us say the Delhi Police, are expected to act in accordance with their legal and official commitments to keep the roads, streets and public places free from obstruction and encroachment. Section 283 of the Indian Penal Code applies nationally, permits action against vendors and such others who cause impediments in the free flow of traffic or obstruction to movement on footpaths. Under Sections 83/97 of the Delhi Police Act, similar action is taken against the vendors. Identical laws exist in other metropolitan cities where the vendors and the police confront each other as adversaries.

In contrast to the legal obligations of the police, the basic interest of vendors is survival, since their whole life and business depends on access to the streets and footpaths from where alone they can operate. It appears almost impossible to create a common platform or meeting point to resolve these conflicting demands, obligations and interests. The law enforcement agency is not expected to be humane, even at very senior levels, whatever the consequences to the business and livelihood of the vendors. There is no way that even a senior police officer can permit someone at his whim to carry on business on the streets.

Whatever the legal status of vendors, the municipal and police authorities, particularly in crowded metropolitan and bigger cities, are under constant pressure to act. It is not possible for executive, practical or human reasons for all of us to wait indefinitely for court orders. There has to be a consensus on a legally acceptable solution to both safeguard the business interests of the vendors and create conditions under which they are not constantly hounded and subjected to undignified treatment by the authorities. Obviously, at the same time, the city profile or the public convenience on the streets, footpaths and spaces of common use cannot be completely sacrificed.

In the past, several experiments have been tried by us in Delhi. The

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same exercises may have been attempted by others in different places. For instance, many years ago the author, as the Deputy Commissioner of Police, Central Delhi, faced a serious situation. Fortunately, in consultation with the other authorities, a large number of vendors were given space to carry on business near the prestigious Ajmal Khan Park. During discussions with a Station House Officer (SHO) of the area, I learnt that he too had similarly rehabilitated a group of law violating people in the area several years ago.

Indeed, it is possible to find spaces not far from the busy roads and footpaths wherein vendors could squat in order to carry on with their business, while at the same time keeping in mind municipal and police obligations. Such adjustments could be made by permitting free use of the marketplace for the vendors on the weekly off days. In fact, on account of their lower prices, a large number of people would prefer to shop on such days. However, this move would in all likelihood meet with the disapproval of local shopkeepers, since they stand to lose potential customers.

In most situations, the interaction between the traffic policemen and vendors on the streets, just as between municipal officials and the vendors, are hostile. Unfortunately, except in situations when an organized group of vendors confronts the authorities eyeball-to-eyeball, they are unable to protest about routine, street-level harassment as individuals. The clash between the traffic police and vendors is inevitable since most of them, albeit due to necessity, cause obstruction. Similarly, the municipal and land owning authorities, like the DDA, MCD, PWD and the Cantonment Board in Delhi, have to do the same thing on the streets.

Nevertheless, some kind of common strategy needs to be evolved since no authority, police or municipal, can operate without public support. Since vendors constitute a significant presence and are an active segment of society, they have to be brought in as partners in governance.

The conduct of the police vis-à-vis vendors is mostly uncharitable since they perceive them as strangers or suspects. Needless to add that a compassionate or humane approach is missing for the reasons of legal obligations. But then, the police is often blamed, even perceived as the so-called 'hafta' collecting agency. While a ding-dong battle goes on, possibly, a number of unscrupulous and corrupt policemen on the streets don't miss out on the opportunity to collect money. Some time back, a committee was constituted to look into the functioning of such agencies and studying this problem. Unfortunately nothing concrete came of it.

As long as there is a major gap between the law as it exists and the reality, such problems cannot be wished away. The law sees vendors as a 'public nuisance'; the human and socio-economic aspects pertaining to their livelihood, as one of basic existence, is not appreciated. Within the given legal situation there is little scope for improving understanding as there exists a major hiatus between expectations and reality. Even experiments to accommodate the vendors by the police or by the municipal authorities may not result in any lasting solution to the problem.

Behind police ill-treatment of the vendors lies another serious consideration, crime control. Under the crime prevention programmes, strangers are always suspect, i.e., individuals without a definite identity or fixed abode or occupation are seen as sus-

picious. The mobile vendors invariably, and the squatting vendors in a majority of cases, neither have proper identification nor regular permission to trade, duly verified by the authorities. The organizations espousing the interest of the vendors have demanded that identity cards be issued to the vendors by the police or the municipal authorities so that they may move around in an area or remain at a fixed place and do business.

Yet in the normal course of things, it is not only the police but the residents' associations as well who do not wish to permit the vendors into their areas on the plea of security. As itinerant people, their bonafides are felt to be in doubt and they are not permitted inside housing societies. However, when it comes to buying inexpensive goods or accessing cheap services, they come handy. As a police officer with over two and a half decades of service, I have not personally come across many vendors committing serious crimes. But, decidedly, there is a need to give them some kind of identification. The verification will be both to their advantage as also to the advantage of the police, who find it difficult to control faceless metropolitan cities.

In Delhi, with the support of SEWA, a voluntary organization which has taken up the cause of vendors, we are working on a system which could work to the advantage of all concerned. By providing some kind of identification which the vendors demand, the police and residents of various colonies are likely to feel more secure. If the vendors are given some kind of identification to carry on their trade in specific areas, it would become easier for the police and the associations. In this way, the vendors would not be troubled by being branded as suspects and will be per-

mitted inside the colonies. Such an arrangement would also help build bridges between the police, vendors and the residents of these colonies. The vendors could also become a useful source of information. They are ideally placed for the prevention and detection of crime since they operate in the open and, given a positive incentive, might act as the eyes and ears of the enforcement agencies. Personally, as a professional, I would consider this a positive programme of community policing.

Understanding the ground situation as it prevails today in terms of the varying perceptions of the vendors, police and municipal authorities, their legal and professional obligations, the human and socio-economic considerations, what is needed is a common platform and strategy. It would help sort out the problems of the vendors and the different agencies in the larger public interest. There is a definite need to identify each and every vendor, whatever their mode of operation, in the metropolitan cities and to give them some kind of identity through verification.

Similarly, when left unguided or at large in search of a livelihood, pursuing their survival interests, the vendors are likely to operate in a manner which may conflict with the interests of the authorities. The authorities should find alternative places for them or spaces in the vicinity of their business areas or give them some kind of opportunity close to where they operate without obstructing traffic or inconveniencing the public. The problem of street vendors is definitely one which cries for a solution for the simple reason that it involves human beings and their basic needs. Although the problem appears mind-boggling and intractable, it is not beyond limited and temporary solutions, at least in parts of the city.

Organizing street vendors

ARBIND SINGH

URBANISATION is the most significant all India phenomena of our times. The city has today become an engine of growth, the main job provider. Twenty nine per cent of the people of the country generate 60% of the GDP. However, our cities remain ill-prepared to address the problems of poverty. Planning and governance continues to be the preserve of the politician-mafia-bureaucrat nexus. Whatever policy that does exist is poorly implemented.

There is unabated official and social hostility towards the informal sector, even though the formal sector has ceased to grow, having reached saturation point. As the cost of creating jobs in the informal sector is very low, it needs to be integrated into the context of the overall macro-economy. However, we must first remove the obstacles in the way of the informal sector's functioning.

Every social system must cater to the needs of its members to enable them to survive; it must have effective means of allocating and distributing resources. The vendors provide a wide array of goods and commodities to the urban populace at reasonable prices and convenient locations. The type of goods they sell makes an interesting study – from daily needs like vegeta-

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bles, fruits, fish, meat and snacks to occasional needs like flowers and readymade garments. A survey conducted by the Indian Institute of Health and Hygiene counted 300 types of eatables sold by the hawkers of Calcutta. It would be hard to find an urban Indian who doesn't purchase something from a vendor. The middle and lower class consumer specifically prefers to purchase from them, though even well-off citizens purchase many commodities given reasonable prices.

Vending has been a profession since time immemorial, with street vendors an integral part of our urban history and culture. Shopping and marketing, in a traditional Indian sense, has primarily been informal. Social interaction is integral to Indian markets in contrast to the mechanized and sterile concept of shopping favoured by modern market and super market structures.

Vendors exhibit remarkable entrepreneurial skills. Purchasing of commodities is no easy task with constant market fluctuations. Besides, middlemen have a major say in the wholesale markets. Commodities have to be in sync with both consumer tastes and paying capacity. As most vendors deal in perishables, the goods have to be sold at the right time.

Studies show that the largest concentration of vendors is in the age group 16-35 years. It indicates that vending involves enormous physical labour. A vendor starts early in the morning with the day's purchase. The marketing place is invariably far from his residence. Bringing large sacks of vegetables and fruits and loading them in a rickshaw cart is a tedious job. Arranging, cleaning, sorting, weighing and dealing with customers is not easy. Hawkers are on the move from one lane to another irrespective of the heat, wind, rain and cold. Calling out

loud to attract buyers, consumes time and energy.

Indian social institutions show an uncanny ability to adjust and adapt to changing societal conditions. Our agriculture is organized around the family mode of production, with the entire family engaged in various stages of agricultural production, i.e., sowing, harvesting and so on. The same system has crept into urban areas; it is not uncommon to find the entire family involved in the micro-enterprise. Thus, on a roadside tea stall, while the husband looks after customers, the wife prepares tea and snacks, and children wash utensils. The same is true for vegetable and fish vendors where the husband purchases commodities while the wife sells.

Nevertheless, our planners remain oblivious to the role of vendors who are victimised, harassed, marginalized and pushed from one area to another. Rolling stones gather no moss; so it is with the hawkers. Pushed to the city in search of employment, they take to vending as self employment for it is an easier option, perhaps the most promising avenue for the poor. Many vendors were erstwhile workers, who after the closure of mills and factories took to vending. Some are victims of displacement caused by developmental projects. Sometimes they are survivors of natural disasters. Often they are simply looking for work.

Vendors are regularly subjected to mental and physical pressures by city officials. At times this has led to riotous situations, loss of property, or monetary loss. A major problem is that master plans prepared for our cities do not allocate space to vendors/ hawkers, as planners blindly imitate the western concept of marketing, ignoring Indian traditions. No wonder, weekly markets struggle to sur-

vive and natural markets are ignored. The policy statements of the regional development authorities talk of making provision for trading and commercial activities, which unfortunately is interpreted as making provision for rich traders and big business.

The vendors have to deal with multiple authorities – the municipal corporation, police (thana as well as traffic), regional development authorities, district administration, local panchayats and so on. This leads to exploitation and extortion. In many cases the positive steps taken by one authority are nullified by the actions of others.

The municipal corporation laws, based as they are on 19th century British practice, are outdated and detrimental to the peaceful conduct of business by vendors. Harassment stems from an absence of official recognition of the rights of street selling and vendors' lack of political and economic power. Instead of regulating vendors, municipal corporations treat them as a nuisance and an irritant; their policies and actions are aimed more at removing and harassing them rather than at regulation. For example, in cities like Patna and Lucknow, the contract for collecting municipal tax is auctioned off to contractors who exploit the vendors to the hilt, such that despite payment of tax they have no security of selling. Given the cap on the number of licences permitted, corruption becomes endemic. Besides, the government also loses massive revenue since even a nominal daily tax would raise crores.

In their work, vendors have to confront the many arms of the police: railway, traffic and thana, and in the case of those commuting from forest areas, the forest police. The police also plays a major role in evictions. As such, vendors are forced to dance to

the tune of the police, paying bribes in cash and/or as goods.

The most frightening experience for the vendors is, however, the regular eviction carried out by the district or municipal administration. They fear the very sight of the eviction team which is known locally by different names. For example, in Patna, the vehicle in which an eviction party arrives is called 'hallagari'. Eviction takes a heavy toll on their business since they have to restart the cycle of building up working capital.

The extortion racket also involves the local goons and dadas. Cases of 'rangdari tax' and 'hafta' are common. In many cities vendors have to part with substantial money in order to ply their trade. Many cities have launched 'beautification' drives to attract foreign capital, which have intensified the eviction process. Many citizen's groups too have joined the campaign against vendors, believing falsely that cities without vendors would be clean. As a result, a large portion of vendor's income is drained away and he/she is not able to carry on the business with dignity and peace.

Voices have been raised against harassment, torture and exploitation by the police/municipal authorities and mafia, with every city witnessing protests by vendors. Some organizations have even established links with political parties, whose intervention have temporarily helped resolve matters. Most, however, prefer to independently negotiate with the officials. Agitations and demonstrations have helped build solidarity and generate pressure on the officials.

These protests have helped the unions in gaining relief – stopping of evictions, extortion by police and anti-social elements, issuing of licences, allotment of space and construction of markets, declaration of hawking

zones and so on. In most cases, the administration only responds by making cosmetic changes. A holistic approach and a genuine desire to settle matter amicably between all stakeholders has, however, remained elusive.

There have broadly been five types of attempts to organize vendors:
1) Where exploitation crosses the maximum tolerance limit and informal leaders take the initiative, resulting in protests, dharnas, etc. Such collective actions have fostered solidarity and helped mould organizations. Where the struggle results in fostering a long term perspective, some organizations are registered. However, most remain unregistered and gradually fizzle out. They can be revived if the situation so demands.
2) Where a spokesman type of organization takes the initiative to organize vendors. The organizing could either be accidental or a conscious decision. These organizations act as catalysts in the formation of vendors' organizations. While proceeding systematically with the struggle, they place emphasis on capacity building of the vendors themselves. These organisations also successfully demonstrate methods of negotiating with the administration.
3) Through central trade unions, which either organize unions or affiliate independent ones. Such unions exist in most cities. In large cities there are several small unions affiliated to a central trade union.
4) Where the vendor is protected by political parties. Such organizations are generally amorphous with no regular membership and elected leaders, with leaders of political parties liasing between government, party and members. In many such situations, political parties have advocated the cause of vendors. Unfortunately,

we often see a change in the perspective of political parties and leaders, once in power.
5) Where organizations are transient, particularly in the main business centres. These organizational attempts could be initiated by individual leaders or established organizations. Vendors join if they perceive these outsiders to be powerful. However, such organizations tend to depend far too much on individual leaders.

Attempts have also been made to form a federation of unions at the city and state level. Such federations have succeeded in elevating the issue to a higher level and pitch. For example, in Mumbai, 40 different unions came together to form the Pheriwala Action Committee. This committee has representatives elected from its constituent unions. It chalks outs common programmes and lobbies on various issues effecting street vendors. The Self Employed Vendors Association of Karnataka (SEVAK) is another example of a body that functions at the state level and provides a platform for vendors of Karnataka to struggle for their rights.

Vendors belong to the business community; every customer is critical and each day is important. This deters the formation of effective and strong organizations as vendors participate only when threatened with eviction. Otherwise they prefer to handle localised problems by shifting the stall a metre or two or by bribing the police and other authorities. Given half a chance, they would rather negotiate and settle the matter individually. Only when it is a problem faced by many do the unions intercede as it is cheaper and less time consuming.

However, it is only during eviction that the anger, frustration and resentment comes to the fore. Many unions try to reason with the traffic

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police to stop fining vendors who are not really creating traffic problems. At the same time vendors are encouraged to stop bribing the police and to resist police brutality. An important setback to organization building for vendors is the corruption in distribution of space and stalls. After years of struggle some vendors may succeed in pressurising officials to construct a market. But others use their contacts and money to get the shops allotted to them if the unions are not strong and vigilant. No wonder, only a few vendors are rehabilitated while the status of the roadside vendors remains unchanged.

Cooperatives can also be a powerful mechanism for organizing the street vendors. As cooperatives are profit-oriented organizations, they suit the needs of vendors who are instinctively entrepreneurial. However, capacity building is needed to manage the organization properly and meet statutory requirements. Cooperatives would enable vendors to pull in resources, avoid duplication of effort and rid themselves of exploitative forces relating to their trade. SEWA has successfully set up many such cooperatives while Nidan in Patna is in the process of establishing similar cooperatives.

Being busy, vendors find little time for organization. Their daily routine is torturous. A lack of time is just one factor. The conflict for space among vendors is another. Getting vendors to attend meetings has been difficult. Vendors are also on the lookout for customers, so if a meeting is held near their stall, the mere appearance of a potential buyer distracts them. There are other obstacles as well. Street vendors are not a homogenous lot and deep rooted social and cultural divisions exist. Previous experiences of foul play are common.

Unscrupulous street-smart organisations have looted money through false promises. Sometimes their leaders have misappropriated funds or indulged in corrupt practices.

Times have become harder. In Patna, for example, the High Court has authorised the officer in-charge of the local police station to ensure that no person returns after eviction. This gives another lever to the police who are one of the main agencies of exploitation. Many court judgements against encroachments have resulted in the removal of the poor, leaving the rich untouched.

The forces working against the vendors are very strong. Alarm bells ring whenever there is the slightest attempt to protest against exploitation. The nexus initially tries to thwart the attempt. If this is not successful then brutal force is used against vendors. Leaders are threatened, tortured and even murdered. Since earning for the family is primary, the struggle takes a back-seat.

Most markets are dominated by men and few women have access to even the so-called unauthorised markets. They are either scattered along the roadside or are mobile, which makes them more vulnerable. In such situations, organizing women vendors is difficult, unless it is at their residence.

Another powerful route to organizing vendors is through self-help groups. This idea, which began in the last decade, is now gaining momentum. The entire face of the struggle could change by strengthening this movement because of its participatory nature. A group of 10-20 person can be organized and also linked to banks for meeting working capital needs of vendors.

Self-help groups initiate the process of organizing, facilitate discussion, inculcate the habit of savings and linking up with banks for credit. Though the right to sell is a top priority, another focal point for organizing the vendors could be through micro credit. The exploitation through informal money lending systems is well known. A common practise is taking Rs 100 in the morning from the moneylender and returning Rs 120 in the evening. In Bangalore, vendors take Rs 80 and return Rs 100 in the evening. In Patna, the system is almost institutionalised and money lenders even issue pass books. Against a loan of Rs 500, Rs 10 is to be returned daily for 60 consecutive days. The interest, if calculated on a reducing balance basis, is abominably high. Lack of sales, pressures of daily life, eviction and extortion create a breakdown of working capital. They easily fall into the trap of moneylenders and find it difficult to extricate themselves.

The size of unions determines the level of participation. It is common to find small unions ranging from 100 to 200 members. These are small, effective and member-driven. Participation keeps alive the interest and enthusiasm of vendors; otherwise membership boils down to the payment of a fee. The vendors then feel that having paid a fee their duty is done, and place all responsibility on unions leaders.

Capacity building of vendors and their organizers must be woven into organization building tasks. Many organizations have initiated worker education classes aimed at leadership development, awareness of legal rights, municipal corporation procedures, sharpening negotiating skills, dealing with police, managing their organization better, learning accounting procedures and so on. Many organizations have also begun imparting training in the identification of friends and enemies, on the work-

ing of multiple authorities. It is important to register the organization and train people to manage it, for organizations functioning at an informal level lack legitimacy to negotiate. Exposure and exchange not only fosters professional solidarity, it helps in learning about the various mechanisms to strengthen their livelihood. Knowledge of what happens elsewhere develops self-confidence. Most organizations neglect this aspect. Without incorporating these processes, struggles will lack the capability of bringing about structural change.

Equally important is the struggle for acquiring identity cards. Since they carry an image, they facilitate mobilisation while promoting a feeling of belonging. They have also been useful in deterring exploitative authorities from harassing vendors.

Problems differ according to the type of commodities venders trade in, the working capital required, the extent and nature of extortion, the space needed to sell and so on. Efforts at organization should take into account the dynamics of the trade involved. Only then will the organization be strong and the solutions lasting. For example, organizing vegetable vendors requires an understanding of their trade, i.e., perishable goods, low but timely credit support and the seasonality of the commodities.

Efforts at organizing should simultaneously be accompanied by positive image-building of the vendors. The point to remember is that they have been forced by circumstance to be vendors; that they are there not only to make ends meet, but also to distribute commodities to the consumers. A documentation of live stories, the hardship and physical labour involved, dependence on informal credit, fluctuations in the market and above all the harassment and

extortion need to be disseminated to the larger society. The print and electronic media too need to be sensitised. Only then will society understand their issues as also not blame them for price increases.

Many unions have approached the courts who have conferred favourable judgements. The Supreme Court gave a landmark judgement in Sodhan Singh vs NDMC, declaring hawking and trading on pavements a fundamental right, subject to 'reasonable restrictions'. Similarly SEWA was successful in securing space for vegetable vendors of Manek Chowk, Ahmedabad. In a writ petition, the Supreme Court ordered the Ahmedabad Municipal Corporation to accommodate 218 women vegetable vendors on the terrace of the existing vegetable market and to issue them licences. It also directed the formation of a Topla Bazar Committee, consisting of representatives from the corporation and vendors for managing the vegetable market.

In 1985, the Supreme Court in the Bombay Hawkers Unions vs Bombay Municipal Corporation directed that each city should formulate schemes which would include hawking and no-hawking zones. Unfortunately, the municipal corporations either shy away from initiating action or further complicate the matter. Mumbai provides a classic case of the latter as a result of which the Supreme Court directions have remained unimplemented. Similarly, even though many High Courts have pronounced favourable judgements, they have been ignored by the corporations and municipalities.

Though years of struggle have yielded positive results, the problems mentioned at the outset persist in most of India's cities. Also no attempt has been made to place the struggle in a

broader perspective and few sustained efforts have been undertaken for structural change. Consiquently, most struggles still depend on the goodwill of a handful of people in government. There is no institutionalisation of a process to enable vendors to sell their commodities peacefully. A holistic approach targeting all the stakeholders demands changes in anti-vendor laws, a pro-vendor policy, creation of institutions to enable participation of vendors in urban governance, changing the mindset of the planners, the police and the society at large, and building the capacity of the vendors.

Vendors have in the main concentrated on the local level and negotiated with local officials for space. In the process they often end up bribing the local officials, either in cash or kind or both. This leads to uncertainty and a dependence on the officials. Gradually, vendors begin to accept that their fate is dependent on the officials. The local administration remains insensitive and at times brutal. Only rarely are positive steps taken. In such a situation, networking among organizations involved in organizing street vendors assumes significance.

Networking not only gives strength to each organization but also through an exchange of information helps provide a larger perspective to the struggle. Above all, it helps identify spaces for intervention in policy-making. Networking between organizations – local, city, state, regional and national – can easily facilitate multi-pronged intervention. Thus, the level of intervention, along with the pitch of struggle, has to be raised.

A major recent development was the formation of the National Alliance of Street Vendors, India in September 1998. The national alliance is a coalition of various trade unions

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and voluntary organizations, working to protect the rights and improving living conditions of hawkers and vendors. Over 225 organizations from 49 cities in 22 states of the country are today part of the national alliance.

The alliance urges the government to formulate a national policy keeping in view the following:

* Give vendors legal status by issuing licences and providing appropriate hawking zones.
* Protect and expand vendors' existing livelihood.
* Promote and develop the natural market system.
* Make street vendors a special component of the plans for urban development by treating them as an integral part of the urban distribution system.
* Include vendors in town and city master plans.
* Issue guidelines for supportive services and social security at local levels.
* Set up a social security fund for street vendors.
* Promote self-governance among hawkers.
* Set up appropriate, participative, non-formal mechanisms like triparte or multipartite committees with representation from street vendors and hawkers, NGOs, local authorities, the police and others.
* Provide street vendors with relief in situations of disasters and natural calamities.

The formation of the alliance has given a boost to subaltern struggles everywhere. One of its first acts was to organize a series of meetings in important cities. Planners, administrators, police officials, corporation officials, vendors and representative of local organizations were invited to these meetings. The dialogue has now started yielding results in some cities. The Bangalore Municipal Corporation is now in the process of issuing licences and allotting space. The School of Planning and Architecture, Delhi has undertaken a study to include vendors in the new master plan of Delhi. A dialogue with the Planning Commission in underway. There is an effort to start such a dialogue in every city.

Information gathering forms an important aspect of any movement. A study has been conducted in nine cities of India covering various aspects like municipal laws, policies and their implementation, planning for the cities, perception of consumers, socio-economic aspects of vending and its linkage with other sectors. The study is almost complete and any future strategy shall be based on its findings. Many partners of the alliance are also gathering information on their own. Simultaneously, attempts at increasing the visibility of vendors through the print and electronic media, and a quarterly newsletter, *Footpath Ki Aawaz*, have been initiated. FKA has emerged as a strong medium of communication and source of information about others activities/organizations. Many vendors have written articles and poems about their experiences. The newsletter is also circulated among other sections of society.

The National Alliance has adopted a multipronged approach which, among others, involves supporting localised struggles while taking up issues at the regional and national levels. Alongside scrutiny of anti-vendor laws, dialogues have been initiated to reduce hostility, and to publicise the contribution of vendors in economic growth as well as employment generation. Given the steady deterioration in the situation, however, what is most needed is the formulation of a national policy. It is towards this end that NASVI efforts are presently focused.

A question of survival

SHAKTIMAN GHOSH

ON 23 November 1996, the state government met leaders of the pro government hawkers' union in Calcutta and promised to rehabilitate the hawkers. Yet Operation Sunshine (OS) took place on the following day. There was something more to it. On 23 November 1996, the minister of transport, Subhas Chakraborty, met with union leaders. The same minister oversaw Operation Sunshine on 24 November 1996.

At the dead of night on 24 November 1996, hundreds of leaders of the leading constituent of the Left Front and the police joined hands to implement Operation Sunshine. The CPI(M) cadres put on badges of the Calcutta Municipal Corporation (CMC). They resorted to ransacking, loot, arson and indiscriminate assault on innocent hawkers. 1640 stalls were burnt and razed to the ground; 102 hawkers were arrested. The Calcutta-based dailies front-paged Operation Sunshine as Operation Clean Up, disregarding the wailing of the victims.

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* As narrated to Arbind Singh

The state government announced Operation Sunshine a success.

We look at Operation Sunshine and its follow-up programmes as a conspiracy by a group of misguided persons and theorists lacking social consciousness, a concerted bid to rob thousands of self-employed of their means of livelihood. Operation Sunshine was essentially anti economic development and anti-people. There are about 191,000 hawkers in Calcutta. Various meetings, legislative actions, seminars and so on have reiterated that hawkers play an important role in the economy and the smooth development of society. The total annual contribution to the economy by hawkers of Calcutta is estimated at Rs 3000 crore. The food hawkers undertook a signature campaign seeking support of office goers for permission to put up stalls in the afternoon. The food for which restaurants charge Rs 30 was provided by the hawkers for Rs 5.

Prior to Operation Sunshine, seven central trade unions and 30 local trade unions formed the HSC

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(Hawker Sangram Committee) on 3 September 1996. Even earlier, representatives of the hawkers' union met police officials thrice. When the state government organized a 'Clean Calcutta' seminar, hawkers protested, smelling a rat; HSC then moved the High Court. A march was organized on 27 September 1996. Another march to the Calcutta Municipal Corporation was organized on 31 October 1996. HSC members decided to guard their stalls and also forwarded a proposal for the rehabilitation of hawkers. They organized a rally on 20 November 1996 and sent a letter to the chief minister to seek his intervention. On 23 November 1996 Subhas Chakraborty promised a HSC delegation that hawkers would be rehabilitated in a peaceful and amicable manner. As a result, the hawkers gave up vigilance of their stalls.

After the demolitions, a massive movement was launched against OS. Road blockades and processions were organized at different spots, followed by a 12-hour bandh on 27 November. A civil disobedience struggle was launched which continued till 5 December 1998. Bulu Poddar, a hawker, committed suicide. Ignoring these protests, the state government continued evicting hawkers in Behla, Bhowanipore, Burra Bazar and Kalighat.

The evictions took place but the government never thought about the future of evicted hawkers. What would they do after being evicted? Was there an alternative, comprehensive government policy of rehabilitation in existence? It is an irony of history that those who campaigned over decades to make 'right to work' a constitutional right have, over the last three years, assaulted people's right to livelihood in the most brutal manner. It was like a counter insur-

gency operation, though against hawkers.

Looking back, it was B.C. Roy who got markets like the Maidan Market constructed for the hawkers. In 1972, some positive steps were taken by Subrata Mukherjee. In 1981, when the Sealdah flyover was constructed, hawkers formed the Central Calcutta Hawkers Sangram Committee to protest against eviction.

In 1983, the West Bengal Legislative Assembly formed a committee under the chairmanship of Anil Mukherjee. The committee held 22 meetings and undertook an on the spot study in all district headquarters in West Bengal. The committee, while recommending building of public opinion against encroachment of footpaths and amendment of the CMC Act to make hawking in no-hawking zones a cognisable and non-bailable offence, also recommended developing new avenues of employment in rural areas, demarcation of hawking zones, alternative accommodation in case of eviction of poor, creation of new markets to meet increasing population and so on.

While the negative recommendations have been implemented, the positive recommendations never saw the light of the day. The Municipal Consultative Committee in 1989 pointed out that despite numerous discussions and meetings on this issue, no solution was found even though thousands of people earned their livelihood by the profession. It suggested a demarcation of zones which would be both 'attractive for hawkers' and facilitate their removal from 'no authorisation zones'. It also suggested the collection of a trade fee from each hawker/stall owner on a daily basis.

At another meeting held on 4 May 1999 at the All India Institute of

Hygiene and Public Health, attended by the minister in-charge, the mayor of Calcutta, commissioner of the Calcutta police, secretary to government and others, it was felt that considering the existing socio-economic situation, the hawkers/vendors should not be totally evicted from the streets, but regulated by providing some identity cards or temporary license.

In 1995 the joint commissioner of police (traffic) organized a meeting which suggested a joint inspection with representatives of hawkers unions to identify the streets and hawkers. All hawkers were to use the kiosks, built according to a pre-agreed upon design. The unions would issue identity cards.

A judgement of the Calcutta High Court (Justice Bhagabati Prasad Banerjee and Justice Vidya Nand, FMAT 4119 of 1990) deserves special mention. The judgement incorporated all previous judgements passed in the apex court and High Court. It gave 16 directions to the state authorities to regulate hawking and trading on pavements. The judgement upheld the West Bengal Assembly committee's decision on the creation of hawking zones and no-hawking zones.

The judgement recognised hawking as a fundamental right, subject to reasonable restrictions. It opined that small traders on the sidewalks add to the comfort and convenience of the general public by making available ordinary articles of everyday use for a comparatively lower price, and that Article 19(1)(g) could not be denied on the grounds that streets are made exclusively for passage and no other use. Proper regulation was, however, necessary. It was for the government to initiate responsible steps to prevent movement of people from rural to urban areas. Since citizens have no right to choose a par-

ticular place for trading, it was for the state and for the municipality to earmark appropriate places for trading on streets.

On the question of eviction, the court directed that the state authorities 'should declare a programme in advance for each area, where these operations would be undertaken, so that everyone may know of the same.' The court further directed that the state being a welfare state should immediately formulate schemes and policies for the purpose of rehabilitation of hawkers. The articles to be sold on pavements were also to be decided by the state.

Unfortunately, the West Bengal government has not yet formulated any scheme for rehabilitation of the hawkers who were bulldozed under the infamous Operation Sunshine. As a result, those evicted face starvation.

The grim but determined battle waged by the hawkers against eviction and the bid to annihilate democratic and human rights that any government is expected to honour, saw the tragic death of 31 hawkers who ended their lives in despair, starvation and imposed poverty. Despite these developments a Bill was introduced by the state government – The Calcutta Municipal Corporation (Second Amendment) Bill, 1997 – defining 'hawking' as a non-bailable offence, punishable by three month rigorous imprisonment or fine or both. It was passed by the West Bengal State Assembly in November 1997. The irony is that 30 years ago, the same leftists had severely criticised the then Governor of West Bengal, Dharma Vira for evicting hawkers. The city was plastered with graffiti. *Hawker mere nam kinchho/E Rajyer Rajapal Dharmaveer* (you are patting your own back by killing hawkers of this state, Governor Dharmaveer).

The rehabilitation of hawkers still hangs fire. The state government continues to dilly-dally. The menace of eviction looms large over a vast expanse of Greater Calcutta. Alongside, various unions of hawkers under the banner of HSC, a joint platform, continue protest movements against eviction, looting, ransacking, indiscriminate arrest and associated harassment, and atrocities by the police.

For us, it is a question of survival. We have to struggle for the right to sell our commodities. Since the government has not been able to find place for rehabilitation of hawkers, we must take the initiative for rehabilitation. The socio-economic situation in rural areas forces people to migrate to urban centres. However, cities have few factories or viable employment opportunities. People are thus forced to find employment in the informal sector. Therefore, we demand the creation of more employment opportunities, for labour intensive planning, the shifting of various offices to the outskirts and an emphasis on small and cottage industries rather than multinational companies.

On our part, we are prepared to give an assurance that no permanent structure will be made on footpaths, that no hawker will sit within 50 feet of an important junction, that hawkers would use 4'x2' kiosks on one side of the footpath, that hawkers will return to their kiosks after business, and that no hawker will be allowed to conduct business on a carriageway.

We therefore demand legal access to urban areas, a survey for identifying hawkers, identity cards, amendments to existing rules/regulations/acts in favour of hawking and hawkers, and proper rehabilitation for the hawkers before any kind of eviction.

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Interview

Ela R. Bhatt, the 'founder' of the Self-Employed Women's Association (SEWA) has for long been an indefatigable votary for the rights and development of the poor in the informal sector. In her various avatars, she has been an activist of the Textile Labour Association, President of SEWA, member of the Rajya Sabha, member Planning Commission, and the moving spirit behind *Shramshakti*, report of the Commission on the Self-Employed. Her work has spanned from organizational activity at the grassroots to policy interventions at both national and international levels. In this interview, Elaben talks to **Mirai Chatterjee**.

Elaben, how did you first begin to organize vendors?

While working with the TLA (Textile Labour Association), I moved around a lot in the labour areas. Apart from textile workers, I saw both men and women engaged in a variety of self-employed activities. And so I became more aware of the vulnerability of workers in the self-employed sector. That it is how we started SEWA and organizing self-employed women.

At that time our main strategy was to carry out quick surveys of different groups; vendors were one. Through these surveys, we learnt details of their lives – their socio-economic status, income, trade, and about their children. Once the findings were ready, we would go back to the vendors and hold discussions with them, particularly in areas where we had done the survey.

Since the investigators were also drawn from the same group, not only did the real situation of vendors come out but we were able to identify and work with potential leaders from within the community. A major finding was the widespread harassment of the vendors by the police and the municipal corporation staff. They were not only fined but had to pay daily bribes. Hitting and kicking vendors was common. They were also under pressure from moneylenders, paying upto 10% per day interest on money borrowed for working capital. So, from their small incomes, a big share went to the officials and moneylenders.

When we started organizing the vendors, we first studied the Police Act. The act perceives them to be criminals. Possibly the British government who framed the act wanted to protect itself from strangers on the streets and control the vendors. There was a total denial of any legal status for vendors – that was most jarring. Often there were struggles with the Ahmedabad Municipal Corporation and the police. We would go in a delegation to these authorities, and if there was a sensitive officer, he would agree not to harass them, to let them sit in the market or he would cancel their fines.

At that time our demand was for licences. I remember that only 400 licences were given and all to men because the authorities didn't accept women as vendors in their own right. This was true in the case of handcart pullers as well. All licences given were to men. We also learned that in the past seven years not a single licence had been issued to any vendor. So demanding a licence was quite a struggle. As for the police officers, they would only listen to us out of respect – we would go to meet them and being women they were courteous to us.

Then, we developed patrikas or fliers listing vendors' demands for licences and space for selling. We would hold small dharnas all over the city – Mandvi ni Pole, near the railway station, Dariapur Darwaza, Ambawadi, Law Garden. One positive experience was with the then traffic police superintendent, Jaspal Singh, who is now a minister. He offered to provide training on traffic rules to the vendors.

And then there was the struggle for space at Law Garden. Food vendors, they were all men, approached us and we met Jaspal Singh. He helped develop Law Garden into a beautiful market; today it is the centre of night life and shopping in Ahmedabad. But apart from this, not much had changed for the city's vendors. Sometimes the situation would improve. But as soon as a new police officer or corporation official was appointed, the situation went back to square one or became even worse. Vendors' struggles also involved the big shopkeepers who resented them and the middle class public who liked their fresh, cheap vegetables but not their sight.

Obtaining identity cards was one important milestone. It happened when some senior TLA leaders and I went to meet Babubhai Jasabhai Patel, then the chief minister. He was very positive and it was agreed that SEWA's identity cards would be considered as good as licences. He asked the municipal commissioner and others to find a way to legalize the vendors, pending which our identity cards would be treated as licences. So we started a big campaign to issue identity cards.

Since then these identity cards have served multiple uses: for identification of vendors at melas or fairs, even as curfew passes. The card carried the vendor's photo and the signature of SEWA's general secretary.

It also carried information on the type of trade and place of vending. So it was a good beginning.

This type of cooperative atmosphere continued for a while. Then the government fell and in came a whole new set of corporators. This set the stage for another big conflict at Manek Chowk, one of the oldest and biggest markets in Ahmedabad. The new corporators wanted what they called a 'disciplined market', and so the harassment of vendors increased yet again.

There is a bank in the market. A fracas took place near the bank between a cyclist and a scooterist about parking. It soon grew into a brawl and curfew was imposed in the area. The curfew continued for more than 10 days. We met corporation officers and spent the whole day going from place to place as the vendors' trade had come to a complete halt. We even met the mayor, though nothing came of it. At that time, the chairman of the standing committee of the municipality was close to the TLA. The TLA was unfortunately against vending; so too was the President of SEWA, A.M. Buch, at that time also the President of the TLA.

But we decided to break the curfew and practise civil disobedience. We asked the vendors to bring their goods for sale in the market. The decision was that if the police came, SEWA organizers would face them before the vendors. We arrived in the market at eight in the morning. Four police vans were already in position, as if they feared violence. The police approached and began reasoning with me. We were a bit worried because more than the regular customers, we expected some trouble from goondas. But as soon as the women began selling the whole market started humming with business as before.

The police came to me and said, 'You don't seem to be concerned – even when elders like Mr. Buch have advised you, you are still persisting with breaking the curfew. What about your self-respect and status in the city?' I told them that I didn't care about such things, about my status and so on.

The police were a bit taken aback by my firm stand. 'What if there is trouble in Manek Chowk market?' I said, 'We'll see to it that there will be no trouble.' I don't know what they discussed on their wireless, but suddenly they withdrew from the scene. All of them. It was noon by then. We continued to sell in Manek Chowk for five days.

For those five days, all of us managed the traffic. Business thrived till late at night. And the vendors were able to enjoy full sales – no cuts to anyone, no police inspectors, no fear of confiscation of goods, no running away from the authorities. Good business without any

fear or tension. We then came to an agreement with the authorities and organized a campaign around this incident.

What year was this Elaben?

I think it was January 1979. Then there was the struggle of the watermelon growers. They would arrive in the market at dawn and park in the space normally occupied by women vendors. Finally, the vendors and SEWA organizers decided to remain at the site all night. Eventually an agreement was reached between the vendors and watermelon growers.

Could you tell us about the early policy breakthroughs?

We were invited by the Handicraft Board for a workshop in Delhi. Each one of our members was asked: 'If you were the police commissioner or municipal commissioner of Ahmedabad, what policies would you make?' They came out with good policy recommendations. The deputy chairman of the Planning Commission was M.S. Swaminathan. The chairman of the All India Handicrafts Board was Laxmi Jain. Both attended the session and listened carefully to what the women had to say. Laxmibhai meticulously recorded all that he heard.

We converted the women's testimony into a memorandum and demanded the setting up of a commission for the self-employed, first from to the Gujarat government and then the Centre. The report of the commission on self-employed, 'Shramshakti', came out in 1988. Both Dr. Swaminathan and Laxmibhai used their notes to write up a full chapter in the Planning Commission's report, A Fair Deal to the Self-Employed. This was then subsequently translated into Hindi as Do Tokri Ki Jagah (Two baskets worth of space).

How did the now famous Manek Chowk vendors' case develop?

The situation for vendors in Ahmedabad worsened around 1981. I received a letter from Justice Bhagwati inviting me to a seminar on legal aid. At that time he was heading the free legal aid programme for the poor. I was rather angry at the seminar. I wrote, 'If the laws are anti-poor, if there is no space for vendors, what legal aid, what seminar are we talking about?' My letter gave many examples of laws working against the poor, especially what vendors had to face.

Justice Bhagwati turned the letter into a public interest petition on behalf of the legal aid committee. He suggested that we engage a lawyer. We could not

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find a lawyer in Ahmedabad who was sympathetic to street vendors and shared our beliefs and perceptions. We had heard of Indira Jaisingh and how she and Olga Tellis had fought a case for the footpath dwellers in Bombay. So we invited them to Ahmedabad. We won the case which Indira Jaisingh fought for free. The petitioners were Kaliben, Shiviben, Laxmiben and myself.

The Supreme Court judgement directed the corporation to issue licences to the Manek Chowk vendors to stay in their place until a new market arrangement was finalised. The Court also ordered an additional floor built on the existing municipal market so that the vendors could be shifted from the road to the upper floor of the market. We had to agree to this provision. At first I remember, Laxmiben laughed: 'Sell vegetables on the first floor! How will we carry all our goods upstairs in the new market? And what will happen if a woman goes into labour? My own daughter was born right here in the market-place.' And that's how we insisted on a lift for the proposed market. Of course, the new market has still to come into existence and till today the vendors 'enjoy' their place on the road protected by the stay order of the Supreme Court!

R. Basu was the municipal commissioner at that time. Governor's rule was in force in Gujarat, so the governor asked him to settle this issue quickly. We had several discussions with him and he helped us formulate a proper plan for the new market building. We had shot a videotape of the vendors' situation which was shown to the governor and the plans were revised according to the vendors' needs. However, nothing came of that proposed new market at Manek Chowk, and the status quo remains. But, whenever a new police or corporation officer is appointed at Manek Chowk, the harassment starts again till they learn of the Supreme Court order.

Could you tell us about the history of the SEWA Bank and the vendors' role in it?

The vendors were bound to wholesalers for credit and advances. But the terms were almost inhuman. A woman would borrow Rs 50 in the morning, go to the wholesale market, purchase the vegetables, sell them, spend for food, bidi, children, pay 'hafta' to the police and others, and finally repay Rs 55 to the wholesalers at the end of the day. The entire cycle would repeat the next day. The smaller vendors weren't even considered creditworthy. They had to borrow from relatives or neighbours at a still higher rate. All of this emerged from our surveys of the vendors. We then realised the

pressing need to release them from the hold of money-lenders and wholesalers.

When we started the bank, it was the vendors – vegetable vendors, old clothes sellers and other market women – who contributed the maximum share capital. The bank's promoters and directors too were mainly vendors. We assiduously promoted the idea of vendors as business people. Just as producers are part of industry, vendors too are part of the commerce of the city.

Chandaben, founder-member of SEWA and SEWA Bank played an important role in promoting this image. She didn't bother with what the vendors sold. She just said that vendors were business people. Under her leadership, we persuaded large numbers of vendors to be active in SEWA Bank. She was on the bank's Board of Directors for many years.

Most of the loanees were vendors. Many took loans of Rs 400-500; gradually this increased to Rs 5000 as their business expanded. Though private money lenders have all but vanished from vendors' lives, we still need to free them from the hold of big wholesalers.

During the early days, many women were helped to recover their ornaments and jewellery from the pawnbrokers. In rural areas, the focus was on mortgaged land. The vendors have lovely silver bangles and anklets which are invariably all pawned. And unfortunately whenever there is a crisis in the family, it is these ornaments which are pawned first. They were all highly indebted, so reclaiming their pawned jewellery was the most effective programme in those days.

And were the women good with repayment?

Yes, they were. Upto the point when Indira Gandhi announced loan waivers the women were good 're-payers'. Then with the loan waivers we had some difficulties.

What about your contribution to vendors' issues while in the Rajya Sabha and the Planning Commission?

I have already mentioned how vendors' concerns became a full chapter in the Planning Commission's report. I raised the issues of the informal sector when I was in Parliament. There was the home-based workers' bill and then the case of the vendors of Imphal, Manipur. For two years the women were on strike, keeping night vigil – living and sleeping in mosquito net tents, trying to protect their vending space from the proposed acquisition by HUDCO. Since I had visited them earlier, I was aware of this as well as the women's collective strength. On one visit as a MP, I met the chief minister and others in support of the women vendors' cause.

When I spoke about these women, Rajiv Gandhi gave an assurance on the floor of the House that the vendors' interests would be protected and that they could return to their homes. That was the end of the struggle and the vendors reclaimed their original space after two years.

When I was in the Planning Commission incharge of labour and employment, I had experts calculate how much employment could be generated in the informal sector and what protection policies we need. But it was not easy to even convince my own colleagues on the Planning Commission that vending was a legitimate activity.

Vendors' issues are part of the mainstream; the media should print articles on their struggles – not just stray pieces here and there, or photos that make them look like 'museum pieces'. Sure, the print media supported SEWA's Supreme Court case. Similarly, Sodhan Singh's case and the court's judgement upholding vending as a legitimate form of livelihood. I remember the jubilation with which we celebrated the verdict That was in 1998, I think. But generally speaking, vending issues are not on the agenda of the mass media.

What is the situation of vendors in other countries?

Whichever city of the world I have been to, I have made a point to visit its downtown vegetable market. Everywhere, the situation of vendors was the same. To make their issue visible, I organized a meeting of vendors at the Rockefeller Centre in Bellagio. We invited vendors from different metropolitan cities through their organizations. We invited one male and one female vendor with one organizer cum lawyer. The participants came from Accra, Ahmedabad, Durban, Milan, Manila, Nairobi, New York, Rio, Santa Cruz, Bolivia and Mexico City. All cities experience urban expansion, forced migration and unemployment; the issues of vendors are common across countries.

Earlier, vegetable growers were themselves vendors but over a period of time vendors stopped growing vegetables. Now vending is by itself a major occupation. In cities like Ahmedabad, with the closure of industries, where can the workers go? Naturally they enter the informal sector which is already crowded.

In no city do vendors have a legal status. At the Bellagio meeting it emerged that all our vendor participants had suffered jail mainly because they did not have legal status. We are, therefore, demanding legal status and policies, licences, space, no harassment. We have also suggested setting up multi-party local bodies to resolve conflicts.

If nothing is done, mafia rule will prevail on the streets. It is high time our planners realise that vendors are an integral part of city planning. They must have space, licences and access to credit. And their own organizations for representation and to be able to participate in the planning process. At the end of this international meeting, we issued the Bellagio declaration. The various participants are also involved in setting up their own national alliance of street vendors as we have done in India.

Basically what we need is a change of perception, so that business and planners see vendors as entrepreneurs and vending as legitimate employment. After all, neither industry nor government is able to provide jobs to the citizens.

Finally, as a member of the Global Commission on Urban Future, I am struggling to assert the rights of street vendors, for their experience to be documented in the commission's report. This report is under preparation for the world conference called Urban 21 to be held in Berlin in July. Mayors of the top 21 cities will participate in special sessions on city plans and policies. I plan to concentrate my efforts on this group.

So the 'mindset' and perceptions vis-à-vis vendors exist at the international level too?

Yes, they do. Of course, one always finds some supporters. For example, the minister from Singapore, himself an economist and urban planner, is supportive of vendors. But the Rio mayor is just outright against them. Richard Roger's Partnership Institute in London is supportive. So it is a mixed picture in the commission.

What we need is the political strength to change mindsets and direct more resources in our favour. This is yet to happen; I am also not encouraged by the current environment mainly because vendors are not sufficiently organized. To be effective they need to come together and develop a proper strategy. Whether they are members of a political party or not, they need to look after and articulate their own interests instead of merely offering themselves as 'vote banks'. That is why under the National Alliance of Street Vendors (NASVI), we have approached the Planning Commission to facilitate a policy dialogue with relevant ministries at the national level. I hope this will happen soon.

I am glad that many cities are represented through their organisations in the NASVI. We must ensure that women don't get left out of the Alliance. They are still the poorest of vendors – they remain the head-loaders and squat on the street. Many are the sole supporters

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of their families. We also need to effectively influence planners, maybe right from the education in schools of planning. We also need to develop live links with urban planners and their organisations, and with the Planning Commission.

If we are able to increase our organized strength, make strategic alliances and link up with other groups like planners and academicians, we will be in a better position to dialogue with the political structures. We must make politicians see us not just as vote banks, but as contributors to a new India, as 'vyaparis', and as business people. We are part of the world of commerce and collectively we must find a place in the chambers of commerce to contribute further to the country's economy. We'll have to work hard for this. Just being strident and attacking local politicians and touts is not enough; we have to be sober, prudent and strategic. That's where I'd like to see our national alliance going.

How did the National Alliance of Street Vendors of India (NASVI) come about?

We already had basic figures of vendors in Ahmedabad city. The successful Supreme Court order inspired organizations in other cities. I think Shramshakti also played a role for recognition of women vendors. Shramshakti presented vendors as a major segment of the informal economy. We had commissioned special studies and their conclusions were included in the final recommendations. The report was translated into many languages and that's how it reached different cities and states. Now many organisations are working with vendors. Recently we carried out a census – a head count of vendors in 14 cities, classified them into mobile and non-mobile segments. So we now have a general estimate of the numbers of vendors and their problems. It is a constituency of at least ten million workers.

At present it is crucial that vendors act collectively for policy dialogue. Their problems are increasing, their numbers growing fast. Both the Bellagio and later the Bangalore declarations provide a solid agenda based on comprehensive contributions from planners, lawyers, police and the vendors themselves. The declarations ask for a national policy on street vendors.

What are the changes you've seen in vendors' status and issues over the past 30 years? Are there any changes in the perceptions of the middle class and policy-makers today?

On a positive note, I think vendors are 'visible' today. But the basic issues have hardly changed. Ven-

dors, though visible, have not gained politically; nor have they acquired sufficient bargaining power. Earlier they were dominated by government; now they are dominated by private interests. They are still considered an 'eyesore' by those who want to 'beautify' our cities. There's no difference there either. Unless the vendors' political action becomes strong enough to reclaim their rights in the city, and their organizations behave responsibly, the present perceptions will hold or even worsen.

Vendors have still to learn to be effective participants in the planning process of their cities. I don't think it is impossible. Small openings do exist. When plans are being updated we can intervene collectively or when there are public hearings we can represent our interests, or we can develop alternative plans. And it is we who must raise the issue of urban space. The vendors' organisations will have to develop capacities to read urban development plans and understand future implications. But in many cities, with the withdrawal of government from economic affairs, their situation is worsening. Private interests are becoming stronger and are often hand in glove with government structures.

Any thoughts on future directions?

I think urban land is the main issue. Rural land has got some attention but urban land is considered to be a matter of the open market. I think we have to find an answer to the question of distribution and ownership of urban land. Everyone believes that by 2025 the entire world will be urban, that only a few people will remain in agriculture, while the rest will be in non-farming activities. If that is the future, then it is high time that the urban land issue be resolved.

The other issue involves a balance between formal and informal sector workers. The present divide is artificial and unreal. Like in the case of vegetable selling, there is a link between urban vendors and rural growers. So also between formal and informal economic activities. The divide has to be done away with. In formulating employment policies government will have to give special attention to those who are self-employed, those who are 'casual', informal sector workers. They have to be considered part of the working population. I don't think there is much of a future for the formal sector labour or for the formal sector to generate more employment. The informal sector, including vendors, are here to stay. We have to create an environment which promotes and strengthens this sector and works towards the ultimate goal of employment and sufficient work for all.

The politics of urban space

R N SHARMA

I STILL retain vivid memories of the vegetable vendor who visited our village. He offered valuable service to the villagers by bringing vegetables, and occasionally fruits, to our doorstep. He was an inseparable part of the subsistence economy of the village. In fact, vending in western Uttar Pradesh was an exclusive occupation of Kachhi castemen who grew vegetables as sharecroppers on farmer's lands.

In the small towns too, one would see vendors selling inexpensive goods closer to the busy market place and other strategic locations like a railway station, bus stand, cinema hall or tehsil office. There might have been a relationship between a police-man and vendors in the form of a small occasional consideration, but the activity itself rarely invited their wrath. Though they worked for a subsistence there was no fierce competition visible among them for occupying a small space closer to the footpath or open public places. Vending thus, for decades, remained a part of the bazaar economy in the old towns and cities. There were occasional tussles between them and the law and order agencies, but nothing like the collective violence and cruelty by policemen and municipal officials as is common in today's large cities.

Rapid urbanisation, an offshoot of industrial and commercial activity, has changed the urban scene drasti-

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cally such that the conflict for urban space has become a long drawn struggle for the urban poor who may constitute even half of the population of a large city.

In fast growing cities like Mumbai, Delhi and Calcutta, vending (and hawking) no more remains an unnoticed activity. It is a major source, both of survival and conflict between city managers and planners on one hand and the large number of vendors and hawkers on the other. This conflict for space has to be understood in the context of the political economy of the city – to be discussed in subsequent sections of this essay. Presently, a few examples from the real functioning of vending and hawking in a city like Mumbai may help us understand the context within which the activity occurs and the conflict for urban space arises.

The Tata Institute of Social Sciences (TISS) along with YUVA (a Mumbai based NGO) carried out a census enumeration of hawkers (and vendors) operating on the lands of BMC (Brihanmumbai Municipal Corporation). The survey was sponsored by BMC for identifying the number of hawkers conducting business on BMC lands in terms of their years of activity. This was expected to help segregate the new arrivals from those with longer settled activity, and thus provide the latter (on a priority basis) pitches for hawking in the proposed 'hawking zones', to be identified and developed throughout the city.

The survey enumerated some 1,04,000 hawkers on BMC lands. Their area of operation, nature of activity, interest groups involved and conflict for survival were mind boggling. In fact, we are now convinced that even years of intensive research may not suffice to understand the

complexity associated with hawking activity in a city like Mumbai. A few examples would illustrate the multifaceted dimensions of this activity and the context in which one has to understand the politics of urban space in large Indian cities.

While conducting the survey we came across a category of 'concealed' hawkers. These were new entrants to the trade who were patronised by police and concerned municipal staff (mainly the recovery inspectors). They were permitted to hawk on BMC lands by paying 'hafta' (weekly graft) to the former. In lieu, no redemption charges or recovery receipts (penalty/fine) were imposed on the new hawkers. This way, they remained unidentified in BMC records and were the soft target of unlawful activities of the concerned police/BMC staff. Many of them, particularly in the early stages, were employed (and thus exploited) by the senior hawkers, or were forced to sell low price goods. These were among the poorest hawkers in the city.

In suburban areas (like Ghatkopar), the mafia owned several handcarts which were rented out to the hawkers on a daily payment for selling specific goods (for instance, bananas sold on around 250 handcarts in the Ghatkopar area). The owners were influential goons of the area who made a sizeable profit by renting out the carts (and supplying the goods). These handcarts carried a distinct identification mark known to the police and BMC staff. Hawkers using such carts were not harassed by government staff since a part of the profits appropriated by local goons was transferred as hafta.

While conducting the survey, one of our research staff approached a hawker for enumeration. In turn, the hawker requested the investigator to wait till the 'real' hawker was sum-

moned (through telephone) since, he claimed, he was only an 'employee'. The real hawker came in a car and filled up the form. He even offered to drop our investigator to the nearby railway station. Such rich hawkers are a part of the Mumbai scene – our survey reveals that nearly 10% of the 1,04,000 hawkers earned more than Rs 500 a day. There are several strategic locations in Mumbai city where a hawking pitch may fetch a price of Rs 500,000 or more. They stand in sharp contrast to those one-third of the hawkers whose earnings are lower than the prescribed minimum wages in urban areas.

The above instances reveal the level and complexity of hawking activity. In no way is hawking today a part of the subsistence or bazaar economy as might have been the case in the past. Operation Sunshine in Calcutta, the hide and seek between Mumbai hawkers and law enforcement agencies, the 'zunkha bhakar' scheme for creating hawking stalls for its volunteers by the then Shiv Sena government in Mumbai, the many agitations by hawkers' unions and NGOs demanding a national policy for the vendors/hawkers – all these raise the legitimate issue of the sharing of urban space by the survival sector.

As Saunders explains (1981: 12), 'The central concern of all classical thinkers was with the social, political and economic implications of the development of capitalism in the West at the time when they were writing. The rapid growth of cities was among the most obvious and potentially disruptive of all social changes at that time…. However, Marx, Weber or Durkheim did not consider it useful or necessary to develop a specifically urban theory in order to explain serious "problems" associated with the evolution of city.' 'For

them, the city in contemporary capitalism was no longer the basis for human association (Weber), the locus of the division of labour (Durkheim) or the expression of a specific mode of production (Marx), in which case it is neither fruitful nor appropriate to study it in its own right' (ibid.: 13).

In contrast to the views of these classical thinkers on the evolution of the 'modern' city, the popular school of 'human ecology', developed mainly under the auspices of the University of Chicago in the years following World War I, focused on the spatial dimension of social relationships. Scholars like Park, Redfield and Wirth represented this school of thought. They traced the shortage of dwellings, lack of amenities and unhealthy conditions of human settlements to a sudden increase in urban concentration as a result of industrialisation. The proper distribution of urban space, for these thinkers, was the responsibility of urban managers and planners.

The human ecology approach was severely criticised by Marxist thinkers (Castells, 1977; Harvey, 1978; Saunders, 1981) who declared that 'there was no theory of space that was not an integral part of a general social theory, even an implicit one' (Castells, 1977: 115). 'The sociological problematic of housing (or for that reason, of public spaces) must set out from a reversal of the usual psycho-social themes and centre itself on the analysis of the process of production of a certain durable commodity, in the diversity of its qualities, forms, status and in relation to the economic market and, consequently, its social context' (Castells, 1977: 149).

Rex and Moore (1967: 9) observed: 'The basic social processes within the city relate to the allocation of space, both through the market and by bureaucratic means, and to the

resulting struggle over the urban space by different groups located at different points in the hierarchy of entitlements.' For them, this struggle over city space could be analysed as a class struggle over the distribution of life chances in the city.

Pahl (1970: 53) suggested that similar to wage distribution in a capitalistic organization of production, allocation of public resources by the state was critical in distributing life chances. He defined the city as 'a given context or configuration of reward distributing systems which have space as a significant component' (ibid.: 117). For Pahl, both capitalist and socialist societies are confronted with the operation of this spatial logic, and both may therefore encounter similar problems with regard to the distribution of urban facilities.

It becomes necessary to reflect on the role of the state in the above urban processes. The classical 'pluralist theory of state', as envisaged by Weber, conceived the state as a forum to accommodate and resolve the political demands of different groups with varying interests. Not all agreed. For instance, Hill argued that the increased intervention of the state had done nothing to change underlying class relations based upon the appropriation of surplus value (quoted in Saunders, op cit.: 132).

Such an extreme view about the role of state is, however, challenged by other urban thinkers. According to Winkler (quoted in Saunders: 127): 'What appears to be happening is a formalisation of interest group politics, an institutionalisation of pluralism. And, indeed, within cooperative institutions, the state will have to bargain and make compromises.'

Saunders summarised the above debate on urban space: 'In ideal typi-

cal terms, then, we may suggest that different types of economic policies correspond to different types of political arrangements. While social investment tends to be associated with corporate policy-making at national or regional levels of government, social consumption tends to be associated with competitive political struggles waged at the local level.... urban struggles develop around questions of social consumption; the corollary of this is that they are typically isolated from the labour movement and strategically limited in their objectives' (ibid.: 276). A similar view was expressed by Eisenstadt and Shacher (1987: 57): 'A strong emphasis is put on conflicts in the urban area revolving around new issues of consumption of collective goods such as education, health, public transportation and other services provided by the state and local authorities. This provision of collective goods by the state and its agencies opens up the eventuality of new inequalities and new class struggle.'

A few simplified observations can be drawn from the above perspectives on 'urban space' and its relationship to human activities when discussing the status of hawkers/vendors in the political economy of the city.

* The ecological school, which related human relationships in the evolution of a 'modern' city to its spatial structure, provides no insight into the differential life chances and entitlements of its inhabitants.

* The classical Marxist interpretation of 'city' as merely an instrument of capitalistic formation, with the role of state seen as facilitating such a productive system, is of little help in interpreting the growing civil movements which are fragmented and not necessarily the offshoot of capital and labour relationships.

* Given that inequality in the distribution of urban resources is inevitable, it follows that spatial constraints on life chances will always operate somewhat independently of the mode of economic and political organization in society.

* Though the state at the regional and national level may work in the interest of monopoly capital, at the local level it often leans toward 'interest group' politics which involves bargaining and compromise on issues related to consumption of public goods and services.

The growing role of the informal sector in Mumbai can be understood from the fact that about two-thirds of its working population is engaged in the unorganized sector today – be it domestic work units, unregistered production units or a plethora of activities related to self-employment, services and wage employment. Shoeshine boys, rag pickers, house servants, 'mathadi' workers, taxi and auto rickshaw drivers, waiters in tea stalls, security men in house buildings, construction workers, self-employed producing goods in domestic units, and hawker/vendors are some of many such persons belonging to this ever-growing survival sector. Hawking/vending is one of the most lucrative activity of all the above – if it clicks.

Mumbai annually consumes vegetables and fruits worth Rs 750 crore in the wholesale market. The retail price is 25 to 40% higher than the wholesale price Most of these are sold to the customer by hawkers and vendors. There are about 100,000 taxi and auto rickshaw drivers, a majority of whom stop for a cup of tea or light lunch at food stalls operated by hawkers on the footpath. They are joined by thousands of mobile persons – the poor and the lower middle class – who also need such services.

The next most popular category of hawking stalls sell readymade garments, cheap cosmetics and electronic goods. Telephone booths, xeroxing centres, milk booths, newspaper stalls and other such activities add to the above list. Of late, hawking stalls have become important outlets for selling various items produced in domestic and organized production units – extending to the clothes produced by powerlooms at Bhiwandi and Surat.

This large area of operation attracts thousands of persons, migrants or otherwise The hawking sector also absorbs the shocks and upheavals in the formal sector Thousands of redundant textile workers took to hawking after the closure of mills in the city. The numbers continue to multiply with the increasing closure of industrial units resulting from 'liberalisation'.

To understand the politics of hawking space one must look at the process whereby a new hawker enters the trade. The idea is initiated by a contact person (in the city) already engaged in a job – usually in the unorganized sector. He invites his kin or friend from the village to try his luck in the city. Then starts the bargain with the local policeman, the municipal recovery inspector, the influential (known) hawker-cum-leader and even the local goon for permission to engage in hawking activity at a particular location. Other than small payments in the beginning what is demanded is a categorical assurance through the contact person that the new hawker would pay hafta, to be shared by the above stakeholders A similar negotiation takes place for erecting a hut in a slum locality, the difference being that a lump sum payment has to be made to the slumlord (a volunteer of some political party). The new resident is also expected to be a part of the vote bank of the concerned political party.

The action hots up once the hawker's trade stabilizes and he aspires to 'own' a pitch. Till then he sells goods either on a cart or from a basket. Getting a pitch for erecting a stall involves tough bargaining with the established stakeholders; the amount to be paid depends on the strategic location of the pitch, the area involved and the claimant's record of success in hawking. It could vary from a small sum of Rs 20,000 to a hefty amount of Rs 100,000 or more, depending on the potential of the 'allotted' pitch. Subsequent hafta payments continue unless the hawker becomes politically active, or joins the local mafia.

The collection of hafta, like allotting a pitch to a new hawker, is a well-planned activity and involves multiple actors – the police, concerned municipal officials, hawkers' unions, local politicians and goons. Given the scale of hawking activity, it is estimated that while the official collection of Mumbai Municipal Corporation from hawkers in the form of penalty for using a public place, redemption charges or license fee is between Rs 11 to 12 crore annually, the collection of hafta (illegal money) from them amounts to a staggering Rs 120 crore. Thus, the allocation of public space to hawkers in the city by the above actors is a localised activity carried out by local politicians, concerned officials and local goons, and does not form a part of capitalist formations as discussed in the previous section on perspectives on the urban space.

The control and direction of land use in Mumbai, or any other economically strategic city in the country, vests with the capitalist class with the state pitching in as a facilitator. However, it is also true that local political power operates with its own logic. This is

well illustrated by the 'zunka-bhakar' politics of hawking space in Mumbai city. The Shiv Sena has for years played the 'sons of the soil' card to mobilise the local population as its support base. It has openly advocated a policy of restricting jobs and other economic opportunities in Maharashtra to the 'local' population. This paid dividends when poor Maharashtrians seeking relief from deprivations, as also middle class Maharashtrians in search of better prospects, voted the Shiv Sena to power. Since then, the party has consolidated its hold in Mumbai by openly discriminating against non-Maharashtrians.

Given the limited scope of jobs in the organized sector and the decline of industry in the Mumbai region, the Shiv Sena concentrated on politically mobilising the poor in the unorganized sector. A few years back, as a part of this localised politics, it decided to set up 'regularised' food stalls on the footpaths of BMC lands, ostensibly to provide cheap food to the city poor. Regular pucca shops – measuring 60 to 80 sq ft or more – were constructed on the footpaths. This involved removing those already using the space, and not unexpectedly, many were non-Maharashtrian hawkers. The structures were constructed by the government and sold via tenders to the hawkers, on condition that they not be re-sold.

Though the scheme was theoretically 'open' to all, the stalls were allotted primarily to the volunteers/ party workers of Shiv Sena. Several representations by union leaders against such discrimination were made to government and though the issue also featured in the media, nothing happened. Over time these stalls meant for selling 'zunka bhakar' (cheap meal), have become like any

other (small) restaurant. This selling of public space (the footpath) by government for consolidating its power base is a glaring example of localised politics operating independently of monopoly capital. In fact, this act invited severe criticism from all sections of the city, including the rich.

The proposal of the BMC to create 'hawking zones' is another example which illustrates the contradictions faced by the state in allocating space for social consumption vis-à-vis its role in serving monopoly capital. Be it the collection of illegal money (hafta) by local politicians and concerned public officials (including the police), or the occasional 'eviction' operations against hawkers from public lands – both actions can be explained by the same logic, of the state catering to multiple interest groups in the city. In such a situation, who supports the cause of hawkers and who doesn't often become irrelevant.

Way back in 1985, in response to several court litigations filed by hawkers' unions against 'actions' of the municipal administration and police, the Supreme Court directed the BMC to work out a scheme for granting licenses to hawkers by creating 'no-hawking' and 'hawking' zones. The Supreme Court was of the view that 'if the hawkers were rendering services to the general public by supplying certain goods, commodities and thus earning their livelihood, the said fact could not be ignored.' The court also issued directives like creating a hawking zone for every two contiguous wards; zones to be marked by the municipal commissioner in consultation with BMC; in areas other than 'no-hawking' zones, licenses to be granted on payment of fee and without prejudice; 'right not to issue license' to be exercised by the municipal commissioner reasonably and in

public interest; and that for implementing the scheme, BMC should take public interest, including of the hawkers, into account.

An advisory committee under the chairmanship of D.M. Sukhtankar was set up by the government. As per the guidelines of the Supreme Court, each ward officer was asked to prepare a draft scheme demarcating hawking and no-hawking zones after consultations, not only with the local councillors but MLAs, NGOs and others. Also prepared was a pilot scheme for ward A (one of the crucial wards of Mumbai city). A public notice in local newspapers invited suggestions to the draft scheme.

Meanwhile it became necessary to identify 'genuine' hawkers, as the BMC's target for accommodating them in the prescribed 'zones' did not exceed 45,000. The unions, however, insisted that nearly half a million hawkers were operating in the city and that a majority of them should be accommodated. The official estimate of the number of hawkers operating on BMC lands was much lower, about 68,000. This created grounds for confrontation between the BMC and the hawkers unions.

The BMC invited TISS and YUVA to enumerate every hawker on their lands. The survey helped us understand the politics of public space in Mumbai. One ward officer, openly prejudiced against non-Maharashtrian hawkers, charged us of inflating the number of hawkers from U.P. and Bihar. In the Dadar area, it was alleged that YUVA research staff demanded money from the hawkers for filling forms, or that because of prior knowledge about the survey, people from Bihar and U.P. took the lead in being enumerated as hawkers.

The hawkers and some unions too added to our woes. One union

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duplicated our identification cards and distributed them to its 'members' for getting enumerated. Some hawkers filled up more than one form under fictious names. Some municipal councillors, not 'in favour' of licensing the hawkers (since that might reduce their 'hold' on them), also objected to the survey. In some areas goons threatened that either our staff 'fill as many forms as desired by them' or face the consequences.

Once the survey data was sent to the various wards, and the BMC started 'clearing' certain areas for shifting hawkers to 'hawking zones', the clash of interests intensified. The residents of housing societies, who till then had considered the proposal as a mere eyewash, suddenly became active. The idea that 'their' localities in the vicinity of 'hawking zones' might be flooded with hawkers evidently 'frightened' them. They approached the court for a stay order. The hawkers with lucrative businesses close to the entry lanes/roads to railway stations – the main locations for attracting thousands of commuters – pressurised their unions and 'sympathetic' municipal councillors to stop the scheme. Many filed cases in the court.

During the shuffle, hawkers from certain areas were removed. Many were non-Maharashtrian, who then complained against the alleged connivance of police and BMC officials in favour of the 'locals'. After being surveyed, several hawkers refused to pay hafta since 'they were now identified as (legitimate) hawkers.' The Mayor who had earlier supported the proposal for creating hawking zones, under pressure, became indifferent. The state government, realising the sensitivity of the issue, more so at the time of forthcoming assembly elections, developed cold feet and the

operation for 'hawking and no-hawking zones' was shelved.

The above observations once again underscore the fact that local issues force the state to enter into 'compromise politics' which tends to serve the interests of various groups staking claims to social consumption and services. Though the politics of space as manifested in the hawking issue did not weaken the hold of the capitalist class on city resources, it did restrict the state from resorting to an operation like the one against Calcutta hawkers, ironically initiated by a Left government.

Another important observation relates to the ethnically divisive role played by the Shiv Sena. This does not imply that the hawkers are otherwise a homogeneous category. Their fortunes in the trade vary depending on their access to a pitch for conducting their activity, its location and daily turnover. As evident from our survey data, some 10% hawkers earned more than the wages of a skilled worker in the organized sector. In contrast, there were recent entrants employed by other hawkers or the mafia for a pittance. However, the 'sons of the soil' politics of the Shiv Sena divided them on ethnic lines. They became more vulnerable to outside forces which ruthlessly exploited them. There is evidence that a 'plural state', rather than forging consensus among various competing interest groups for social goods and services may, in fact, enhance conflict over scarce resources.

The present paper focuses on the politics of urban space in the context of hawkers of Mumbai city. The traditional role of hawking/vending in the subsistence economy of rural India or the 'bazaar' economy of old towns and cities has undergone structural changes. Today, hawking in high

growth cities like Mumbai is no more confined to a struggle for survival by the 'lumpen proletariat' but involves multiple actors, including bureaucrats, local politicians and muscleman. Their struggle for a share of urban space has to be understood in a proper perspective.

The paper presents an overview of relevant theories explaining the evolution of a city. The ecological theory is recalled for its emphasis on human relationships. The Marxist perspective, that the city has no other role except being instrumental in capital formation, also does not pass scrutiny. Instead, political power, under localised political compulsions, may extend its role to social distribution of public goods and services which may not necessarily lie within the production relationships as conceived in the class struggle paradigm. The struggle of hawkers in Mumbai (and for that matter in other large Indian cities) for urban space and the role of the state and bureaucracy in balancing (or manipulating) the needs of various interest groups for their own (local) political or monetary gains, amply proves it.

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Steering clear of icebergs

GERSON DA CUNHA

THIS may well be a tale of narrow geography and Mumbai relevance. But in India issues are multiplying that are no longer 'local', where some generalisation can be instructive. If Ranthambhore and Borivali have more in common than one syllable, why would unlicensed hawkers in Mumbai and their management not be pertinent elsewhere? (Borivali is where the Sanjay Gandhi National Park is located).

To start with, proliferation of hawkers in Mumbai is rooted in at least two features shared by most cities: first, migrants are driven there from rural and semi-rural areas seeking a living and, second, they are victimised by the politician-local administration-police nexus, which in Mumbai also means the mafia.

Let us, therefore, be clear what it is we are talking about. As in city slums, where the mainspring is not the slum dweller but the slum-lord, and with mendicants, where the key is the beggar-lord, and with polluting taxis, where the problem is really the taxi-lord or fleet owner, so with hawkers too, we must cope with hawker-lords and their connections, not just the hard-working citizen from the districts eking out an honest living. That is, a key factor in any solution will be the people who exact from the hawker a price for hawking space and for the 'right' to that space.

There are other baroque details. Given the numbers involved and the clash of many interests, hawkers could not but get unionised. The press regularly reports on how in consequence the matter has got politicised and therefore, as in politics, criminalised. So the term 'street vendors', while serviceable, captures our present subject about as neatly as 'public servants' describes Parliament.

The object of this piece is threefold: (*i*) to outline how Mumbai citizens got together to address the issue and dialogued with senior levels in the municipality; (*ii*) to touch on the position taken in the High Court by a citizen body; and (*iii*) to look around and ahead a bit. Resolution of the issue holds its breath somewhat as we await the order of a Division Bench of the Bombay High Court. The matter is therefore sub-judice as these lines are written. But first, a brief overview of the subject area.

Hawkers are part of the informal sector of Mumbai's economy which, as early as 1991, accounted for two-thirds of the city's employment. The sector offers ease of entry for low-skilled workers and use of traditional technologies but low returns. It tends to operate on streets, pavements and public spaces. Here is where hawkers have come up against the BMC and residents/citizens, the latter very resentful because they are if anything

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even less organized than hawkers, who often have been able to put up a threatening front.

Virtually all hawking takes place in unlicensed places (TISS-YUVA report. See below). Two-thirds of it is on pavements and the remaining third on the carriageways of streets and roads. Licensed hawkers make up no more than six per cent of the total. It may be time to note a significant actor in our scenario.

Sharad Rao is in some ways and seasons, the man by whose writ the city runs. He is leader of the Bombay Hawkers' Union, the main vendor group, heads the Municipal Mazdoor Union, which regularly holds the city to ransom for better remuneration to its overpaid and inefficient members and is union kingpin among Mumbai taxis, for many the city's only wheels. He recently demanded that Mumbai save its 300,000 hawkers from harassment and extortion at the hands of our very own 'cops and robbers', that is, the city's police and municipal workers.

Two years ago the city's administration, still commonly called the BMC (Bombay Municipal Corporation), called for a study of various aspects of hawking and hawkers in the city. It was done by the Tata Institute of Social Sciences and YUVA. Among many other things, it reports that hafta or weekly bribes paid out by unlicensed hawkers amount to a staggering Rs 3240 million annually (The Times of India, November 1997). But then, that boils down to just Rs 35 a day per hawker, if Rao's numbers are accepted – in turn quite reasonable, seen against the vast business reportedly done by these folk here. It is valued at hundreds of millions annually by the National Alliance of Street Vendors. But the TISS-YUVA report puts the total number of licensed and daily fee-paying vendors at just 100,000 or

a bit more. The report cautions that the following figures may represent under-reporting, but 70 per cent of them seem to earn between Rs 1,000 and Rs 3,000 per month. Forty per cent deal in agricultural products, which brings out their importance to the city housewife.

All this was in the first half of 1998. Since then there has been proliferation through influx into the city. While nearly half the city's hawkers are covered by no scrap of permission or paper, there is a group using the law against the law to do business, a strategy gaining currency.

An interested person occupies public space, usually near or on the way to a suburban railway station, or educational institution, or place of worship, or on a railway over-bridge – in general in an area of profitable pedestrian traffic. If/when authorities arrive to demolish or seize things, the hawker seeks and invariably gets a 'stay' of removal from a city civil court. The plea is that, until the BMC obeys a Supreme Court ruling of July 1985 to set up hawking and no-hawking zones, no demolition is just.

Given the scale of daily graft, here then is an invitation to delay of zoning and slow motion implementation by municipal functionaries and their allies elsewhere. Nothing in fact was effectively done about hawkers between 1985 and 1998. The real problem was that hawkers were no longer hawkers at all, in the sense of being ambulant street vendors. They were taking possession of, and defending, specific pitches and areas, while in most cases living, cooking and washing there as well. Enter the Citizens' Forum for the Protection of Public Spaces (CFPPS).

CFPPS is a spin-off from another initiative, an effort to clean up Churchgate. This is an area in the vicinity of

a suburban railway terminal in south Mumbai. The clean up was greatly successful but not at once obvious. Success was veiled by the sullying and health-threatening presence of some 400 hawkers, 90 per cent of them unlicensed. They also obstructed pedestrians on pavements, forcing them onto carriageways, thus posing dangers of accident and death from vehicular traffic. Their links to the underworld, often forced upon them, were numerous and open. Clearly, no clean up of the city would be possible without solving the hawker problem.

CFPPS came together more than two years ago. That it was an idea whose time had come was proved by how quickly it grew. From six persons, it became 30 organizations in four weeks. Residents' associations came together against unauthorised hawkers. It is now a network ten times larger. Its unifying goal is to fight land grab, encroachment and illegal building. In Mumbai's narrow, crowded, sea-locked space, land is gold. A few years ago, its business and residential accommodation was the most expensive in the world. The lure of its land to miscreants is powerful.

But CFPPS began as a reaction to the way unauthorised hawking had taken over streets, pavements and public space in key areas of the city and to the accompanying problems of health, hygiene, lawlessness, corruption of public officials and infiltration by criminals.

The forum met regularly and there was constant consultation among members. It grew in size, strength and boldness. Here it was aided by the openness of an Additional Municipal Commissioner, V. Ramani, with whom regular meetings were held with the objective of including citizens in the BMC initiative vis-à-vis hawkers. The CFPPS filed a public

interest litigation suit praying, in essence, that the High Court direct the BMC to implement the July 1985 Supreme Court ruling. Many residents' associations were co-petitioners. Hawkers were also represented in court.

In mid-1998, the Mayor-in-Council system was introduced in Mumbai and the Mayor, Nandu Satam, was enthusiastic in wanting to regulate hawking. Three days before hawking/ no-hawking zones were meant to come into force in September 1998, the view was taken in decision making circles that adequate consultation with citizens had not taken place. Enforcement of the scheme was held up. Implementation of a scheme now awaits the Bombay High Court's orders, expected some time in June 2000, on the prayers of the CFPPS, among others.

Basically, the petitioners have urged that hawkers should be confined to ambulant vending and have no rights over the land where they pitch, that hawking and no-hawking zones shall be defined on the lines of the Supreme Court ruling of July 1985. A court order will automatically vacate the stay orders against demolition which were valid only as long there were no zones defined by the BMC/ High Court.

CFPPS has always made the point that it is not against hawkers as such because they provide city homes an important service. The point they stick by is the Supreme Court ruling (July 1985) that, 'Public streets are meant for use by the general public and not to facilitate the carrying on of private trade or business.' In the same order, the apex court held that hawkers may not hold society to ransom by squatting on busy thoroughfares, thereby paralysing civic life. The municipality's power to grant licenses

is coupled with a duty to ensure that it is exercised after due consultation and in the interests of the general public which, therefore, has a stake in showing how and why the hawking trade should be regulated.

The same order laid down many specific and detailed provisions, among them the following: no hawking within specified limits of railway stations, education institutions and places of worship. Hawking could only take place up to 9 pm in the case of foodstuffs. Creation of hawking and no-hawking zones was to be completed by October 1985.

In a later ruling, the Supreme Court once again upheld the rights of the pedestrian over footpaths and pavements as against anybody's right to make a living on them. Whatever the economic compulsions, public property may not be used for private purposes without requisite authorisation.

In 1988, a Constitution Bench of the Supreme Court recognised the right of a hawker to transact business while going from place to place subject, however, to proper regulation for the convenience of the public. The right to carry on trade or business on streets or pavements was also recognised but with appropriate regulation to facilitate traffic and convenience of the travelling public. Hawkers do not have a right over a particular place to carry on trade or business.

The TISS-YUVA report notes, interestingly, that about 45 per cent of hawkers are in favour of the creation of zones. But the problem is now of giant scale. As against the TISS-YUVA census of 100,000 hawkers and Sharad Rao's estimate of 300,000 brethren, there are only some 25,000 licensed vendors. AMC Ramani had calculated that there could be no more than some 50,000 hawkers accommodated in the newly defined zones, and

that was some time ago. What is to happen of the remaining traders on the city's streets?

It is a familiar tactic of operators on the fringe of legality to enlarge the proportions of their misdemeanour to complicate and delay solution. This has happened in the case of illegal building and land-grabbing in Mumbai, now a huge, nearly intractable problem; with vehicular pollution from malfunctioning diesel engines and adulterated fuel, something in which tens of thousands of vehicles are now involved. It has happened with our hawkers. Many of them, the licensed ones and perhaps some others, are victims, along of course with several lakh citizens.

The thought in the minds of many, among them the PIL litigants themselves, is, 'After the High Court ruling, what?' Who will enforce whatever it is that the court orders? The record of the BMC and the city police (which has a body of policemen dedicated to the BMC's tasks) has not been a good one over the years. Clearly, the citizens' duty cannot cease with the court order.

This at least may be said: the Citizens' Forum for Protection of Public Spaces has made a public issue of the need to regulate hawking. Scores of residents' associations, which means thousands of members, are aware of the problem where once there was ignorance or apathy. They also know what can and cannot be done by particular public authorities. The media have been sensitized. Municipal ward offices and their functionaries and, most importantly, the venal fixers who once operated without qualm or hindrance are now on notice.

There is some evidence that the vast ship of (local) state is slowly veering a few degrees. Hopefully it will steer clear of the icebergs ahead.

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Factfile

National Classification of Occupation 1968 (431.10)
Hawker, peddler, street vendor, pheriwala sell arti-
cles of daily utility and general merchandise such as
vegetables, sweets, cloth, utensils and toys, on foot-
paths or by going from door to door. Purchases goods
from wholesale market according to his needs and
capital (money) available. Loads them in basket or
on pushcart, wheel barrow or tricycle and moves in
selected areas to effect sales. Announces loudly goods
or articles on sale and their prices to attract customers
Attends to customers and effects sale by measuring,
weighing or counting as necessary. May also display
goods or articles of sale on footpath and effect sales.
May purchase goods in lot, in auction or other sales.
May prepare and sell his own products and may ope-
rate means of conveyance. May work on salary or com-
mission basis or both.

NSS Estimates
The 50th round of NSSO (1993-94) estimates the
number of street vendors as proportion of population
as follows:
Urban Area: street vendors constitute 0.89% of popu-
lation.
Rural Area: street vendors constitute 0.27% of popu-
lation.
Total number of street vendors (1991) = 3.6 million.

Genesis of Municipal Laws Regarding Vendors
Shopping and marketing in the traditional Indian sense
have always been informal. Display of wares and
social interaction are the hallmark of Indian markets
as compared to the mechanized and sterilized concept
of shopping in the modern market centres and super
market structures. From ancient times, hawking and
vending have been an integral part of Indian trade and
commerce. However, as the British started gaining
administrative control over India, they began introduc-
ing their own institutions and legal frameworks. For
the hawkers, The Bombay Provincial Municipal Cor-
poration Act (1949) and its adaptations for various
Indian cities, The Bombay Police Act (1951) and its
adaptations for various Indian cities, The Indian Rail-
ways Act (1819) are some major legislations which
were formulated by the British and retained in essen-
tially the same form by the Indian government. Unfor-
tunately these laws, based on England's experience in
dealing with urban poor and migrants, were designed
to facilitate control over Indian people, regulate the
economy to suit their administrative skills and to
enhance their sense of security.

The following sections from Halsbury's Laws
of England show how the laws passed in India were
almost word for word based on English laws. Halsbury:
Volume 16 Section 616. Metropolitan councils are
empowered to deal with persons who erect or place
any post, rail, fence, bar obstruction or impede the traf-
fic for which it was formed or laid out, or who place
any temporary obstruction such as goods, barrows,
stalls etc in any street. Vol. 22 Section 185: A hawker
is required to take out annual excise licence and any

person who hawks without having or without immediately producing upon demand a current licence granted to him is liable to fine and imprisonment.

Volume 31 Section 1016: Every person who places hangs up or otherwise exposes to sale any goods, wares, merchandise, matter, or thing whatsoever that the same project into or over any footway, or beyond the line of any house, shop or building at which the same are so exposed so as to obstruct or incommode the passage of any person over or along the footway is liable to a penalty not exceeding 40 *shilling* to imprisonment for a period not exceeding 14 days and may be arrested by any constable witnessing the offences.

The Bombay Municipal Corporation Act (1882)
Section 313: Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

Section 314 (b): The Commissioner may without notice, cause to be removed any article whatsoever hawked or exposed for sale in any public place or in any public street.

Section 229: No person shall, except with the permission of the Commissioner under section 227 or 234, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture in or upon or over any open channel, drain, well, or tank in any street so as to form an obstruction to or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank. (Source: Excerpts from *Legal Status of Hawkers in India* by Usha Jumani and Bharati Joshi.)

Control and Punishment: Most acts are aimed at controlling and punishing the street vendors. The acts are archaic and fail to meet the challenges posed by the new situation particularly relating to migration, unemployment, saturation of formal sector and so on. The following examples illustrate how control and punishment becomes all important while the objective was to regulate the vendors.

Patna – Section 527: The municipal law in Patna does not allow for the setting up of stalls, display of goods, or selling of articles by occupying public streets, without prior permission of the Chief Executive Officer (CEO). The permission of the Chief Executive Officer has to be in the form of licences, for a specific period of time (not exceeding one year), with a specific fee, also not providing for the construction of a permanent structure.

Police Act 34: The police have the authority to punish any person causing obstruction, annoyance, or inconvenience to passengers or residents. Exposing goods for sale comes within this purview. A person found guilty of these charges can be convicted and arrested without a warrant and a fine can also be imposed on him/her.

Calcutta – Under the Calcutta Municipal Corporation (CMC), the Municipal Commissioner has the authority to search and seize any basket containing goods for sale in a park, or street. Such a person can be detained and the matter can be pursued as per procedures of the law. Soon after the infamous Operation Sunshine, during which 100,000 hawkers were evicted overnight, the state government passed an act which makes any form of encroachment on the pavements, especially street vending, a non-bailable offence and if convicted to carry a sentence of three-months rigorous imprisonment and/or a fine of Rs 250. Bill No. 33 of 1977: The Calcutta Municipal Corporation (Second Amendment) Bill, 1997.

Bhubaneshwar – According to the Orissa Municipality Act 1950, it is imperative for a person to obtain the permission of the municipality for the sale or exposition of goods, failing which the Executive Officer may expel him/her.

Section 295: No person can open a new private market unless he/she obtains a licence from the municipality to do so. The municipality also reserves the right to suspend or cancel a licence if the prescribed conditions are not fulfilled.

Bangalore – Any encroachment by people involving selling of goods and vending can be removed by the police in order to maintain the uninterrupted flow of traffic. A person causing this kind of a disruption is liable to make a payment for the expenditure incurred in removing the encroachments. The municipal council is obligated to maintain a separate and suitable place for vending vegetables. However, there is no provision for a specific zone for hawkers and vendors.

Mumbai – The municipality law in Mumbai does not provide for the erection of any structure or stall on the streets which will obstruct the passage of the public,

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or impede the working of a drain or open channel. It is imperative for a person to procure a licence from the municipal commissioner to be able to hawk his/her wares in any public place. Failure of compliance will lead to the removal of any product being hawked on the streets, without prior notice.

Ahmedabad – The municipal law in Gujarat prohibits the hawking of goods without a licence. The Municipal Corporation is also empowered to remove any encroachments and obstruction made on the streets. The Bombay Police Act 1950 empowers the police to arrest hawkers for obstructing free flow of traffic under sections 102 and 107.

Supreme Court Orders:
Bombay Hawkers Union vs Bombay Municipal Corporation 1985: In this case the Supreme Court suggested that a scheme for regulating grant of licence to hawkers and creating hawking and no-hawking zones be worked out for which certain directions were given by the court.
(*i*) As far as possible there should be one hawking zone for every two contiguous municipal wards in greater Bombay. (*ii*) A no-hawking zone may be fixed by the Municipal Commissioner in his discretion in consultation with the Bombay Municipal Corporation. (*iii*) In areas other than no-hawking zone, licence should be granted to hawkers to conduct their business on payment of the prescribed fee. (*iv*) Hawking licence should not be refused in hawking zones except for a good reason. (*v*) In future, before making any alteration in the scheme, the Commissioner should take into confidence all public interest including that of the hawkers, the Commissioner of Police and representative associations of the public.
Sodhan Singh vs New Delhi Municipal Committee: Article 19(1)(g) Hawkers trading on pavements – fundamental right subject to reasonable restrictions under clause 19(6). MCD has full authority to permit hawkers and squatters on pavements where they consider it practical and convenient. Hawking may be prohibited near hospitals or where security measures so demand.
(*i*) So far as right of a hawker to transact business while going from place to place is concerned, it has been admittedly recognized for a long period. Of course, it is subject to proper regulation in the interest of general convenience of the public. The public streets by their nomenclature and definition are meant for the use of the general public: they are not laid to facilitate

the carrying on of private business. This is one side of the picture On the other hand, if properly regulated according to the exigency of the circumstances, the small traders on the sidewalks can considerably add to the comfort and convenience of general public by making available ordinary articles of everyday use at a comparatively cheaper price. An ordinary person, going home after a day's work can pick up these articles without going out of his way to find a regular market. The right to carry on trade or business mentioned in Article 19(1)(g) of the Constitution, on street pavements, if properly regulated cannot be denied on the ground that the streets are meant exclusively for passing or repassing and for no other use.

Constitutional Provisions
Right to Trade: Article 19 (1) (g) gives the Indian citizen a fundamental right to practice any profession, or to carry on any occupation, trade or business. This right is limited only by the right of the state, i.e., the Indian government, to prescribe professional or technical qualifications for certain trades or professions, and right of the state to create monopolies in certain trade, business or industry in the interest of the general public. Otherwise a citizen's right to carry on a trade or profession of his choice is absolute.
Equality Before Law: Article 14 of the Constitution states that the state shall not deny to any person equality before the law or equal protection of the laws within the territory of India.
Social Justice: The preamble of the Indian Constitution states that India is a sovereign, socialist, secular democratic republic, and shall secure to its citizens justice, social, economic and political and equality of status and of opportunity.
Directive Principles: Article 38(1) directs the state to promote the welfare of the people by securing a social order in which justice – social, economic and political, shall inform all institutions of national life. The state is also directed by Article 38(2) to 'minimize the inequalities in income status, facilities and opportunities.' Article 39(a) directs the state to formulate policy to ensure that citizens, men and women equally, have the right to an adequate means of livelihood. It further provides that ownership and control of material resources of the community must be distributed to serve the common good, and that the operation of the economic system must not result in the concentration of wealth and means of production. Article 41 specifically provides for 'right to work' within the limits of the economic capacity of the state.

Books

METROPOLITAN CITY GOVERNANCE IN INDIA by Marina R. Pinto. Sage Publications, New Delhi, 2000.

GIVEN the nature of development taking place in our country, it seems inevitable that the process of massive urbanisation will continue unabated into the foreseeable future. The urban population is expected to double in the next 20 years and existing cities will expand beyond limits imaginable today. This will place even greater pressure on already overburdened municipal resources and infrastructures, and make a mockery of master plans formulated for the orderly development of cities. It will be the responsibility of the 'third tier of government' – municipal authorities – to cope with this distressing scenario. Are they equipped to confront the challenge?

Not according to Marina Pinto. In *Metropolitan City Governance in India*, she examines the administrative structure of the country's four metropolitan cities – Calcutta, Chennai, Delhi and Mumbai – and,

not surprisingly, concludes that 'looking back over the last 50 years...has shown that the structures of municipal governance in our cities are archaic and have not been able to ensure either self-governance or efficient delivery of goods and services. While in rural India there has been a degree of experimentation through democratic decentralisation, better known as panchayati raj, nothing of that order or magnitude has been seen in the urban areas.' Hence, the prognosis for India's urban future appears bleak.

This is an all too familiar story: post-colonial rigor mortis setting in on once healthy institutions, administrative culture and political imagination. Municipal governments once spawned national and state leaders like Jawaharlal Nehru, Sardar Vallabhbhai Patel, Subhash Chandra Bose and Pherozeshah Mehta. But, 'Today's decaying and deteriorating local government structures exemplify the conflict between the dynamics of change and the statics of a vested interest in maintaining the institutional status quo.' There are no easy answers, but one can begin, as Pinto

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does, by trying to understand the system of municipal governance.

The municipal government, she points out, is 'a peculiar combination of government organisation which must also exhibit a business sense as it must run the system on sound business principles even if it does not subscribe to the profit motive... its special feature is that it represents government at the door-steps of the people who are voters, clients, consumers, assessees, tax-payees and licensees all rolled into one.' Few of us would recognise such an organisational ideal in the inefficient, arrogant and corrupt municipal governments we deal with and, consequently, it is not surprising that the quality of urban life in India is deeply unsatisfactory. The system often requires a crisis like Surat's plague epidemic to jolt both the government and the citizens out of their apathy and make the 'third tier of government' work.

Pinto has supplemented her study with primary research in the form of 'questionnaires, field trips, discussions and spot interviews with notables, to understand the working of the municipal system in a holistic fashion.' In addition, there is a chapter on 'Theoretical Perspectives', which begins with the views of Aristotle and goes on to discuss the contributions of European and American thinkers on the subject. A chapter on 'Institutional Designs' discusses developments in U.S.A, U.K. and India. Together the two chapters place Pinto's study in a wider context. She deals with each city separately and provides an account of the evolution and present structure of their municipal governments. While her objectives are not prescriptive, she does conclude by advocating a participatory model of governance, particularly in the light of the enactment of the 74th constitutional amendment. Since the book does not attempt to throw light on how this can be achieved, it remains an academic study of what exists.

What exists are two forms of metropolitan government in India – the 'Commissioner' type, first established by the British in Chennai in 1888, and still the predominant form of municipal governance all over the country, and the 'Mayor-in-Council' type, introduced in Calcutta in 1980. While the former system is predicated on the need for administrative efficiency, the latter recognises that in a functioning democratic system, no single ruling elite controls the political and government system. Democracy operates via a process of negotiation and mutual accommodation, with all the virtues and weaknesses that such a process entails. Chennai has attempted to reform its system by

instituting a powerful Mayor as a counterpoint to an equally powerful Commissioner. In Delhi, too, there is a move to have a stronger Mayor, but not the Mayor-in-Council as in Calcutta. Pinto surveys administrative developments in each city, delineating its unique set of problems. 'Over-governance', as Minister of Urban Development, Jagmohan, would be pleased to note, figures prominently in Pinto's list!

While the author explains the system of governance in each city adequately, one misses a wider engagement with ground realities of the Indian urban scene. Social values and economic policies are changing the world over. This is resulting in innovative shifts in administrative structure and the strategies employed for resource management by municipal governments in the West. These changes have generated sufficient theoretical consideration, according to the author, to be labeled 'new localism', wherein local communities have a heightened awareness of their enhanced roles. Not so in India, however, where the structure of governance continues to favour the model of centralisation established by the colonial government.

This system was instituted, ironically, out of consideration for 'administrative efficiency' instead of 'local democracy'. What remains of the imperial legacy is neither efficiency nor democracy. As Pinto points out, the problem has been compounded by the fact that 'the Indian polity though democratic, is feudal in character...the higher levels of government function in an authoritarian manner rather than in a spirit of partnership and brotherhood, while relating to the lower levels of the government.' This attitudinal inertia prevails despite the passage of the 74th constitutional amendment devolving more power over local issues to the local communities. One needs to examine why such enlightened legislation does not get translated into practice in the field. For answers one will have to look beyond Marina Pinto's book.

The failure of municipal governments is only part of the story. These structures were established to serve colonial imperatives and they continue to do so even today – except, now, the colonisers are a different set of people. One need only listen to the complaints of slum dwellers and street vendors to appreciate this tragic truth. A more democratic and representative form of governance like the Mayor-in-Council form can mitigate the excesses, but cannot, by itself, produce better cities: Calcutta and Chennai are no better for having a more participatory form of governance, and Mumbai and Delhi no worse with an authoritarian structure.

Basically, there is a failure of the collective imagination regarding the condition of cities – on the part of political leadership, administrators, urban planners, and most importantly, the public. The only models of cities that appeal to us are those of the capital-intensive, technology-dependent cities of the West where a high degree of social and cultural consensus ensures structural order and continuity. The circumstances in India are virtually opposite; yet all of us – politicians, administrators, urban planners and the public – try to put a square peg in a round hole when it comes to dealing with the urban environment. To carry that metaphor over to the book, I think it has explained quite competently the squareness of the peg – municipal governance – without really addressing the roundness of the hole – the urban reality in India.

Urban governance in India is like the tail that wags the dog: one wonders who is in control. The forces that determine the development of the city appear to possess a will of their own, independent of what governments intend, urban planners visualise and the citizens expect. The unfortunate fact is that urban change of the sort we are experiencing is beyond the understanding of the authorities that are expected to govern and guide its development and ensure its proper maintenance. From this perspective this book has covered only a part of the problem, albeit a potentially significant aspect.

A.G. Krishna Menon

AGAINST CHILD LABOUR: Indian and International Dimensions and Strategies edited by Klaus Voll. Mosaic Books, New Delhi, 1999.

STREET CHILDREN by Rashmi Agrawal. Shipra Publications, New Delhi, 1999.

THE two books under review are similar, yet different. Both are about children and their rights, or lack of them. While *Against Child Labour* deals specifically with working children, *Street Children* dwells on the condition of the growing number of children who live and work on the streets of urban India.

Against Child Labour is divided into four parts. The articles are a combination of papers written by authors/contributors and interviews conducted by the editor. Part I, on the international and structural dimensions, begins with an overview of the situation in South and South East Asia and primarily deals with the ongoing debate on the 'social clause'; each contribu-

tor has a distinct position on this issue. It contains written contributions by Daniel Haas (two papers), Christopher Stuckelberger and E.A.Ramaswamy, and interviews with Swami Agnivesh, D. Thankappan, Kailash Satyarthi and Maneka Gandhi.

Daniel Haas attempts to explain the demand for new global instruments of socio-political regulation in the context of globalisation and presents some ideas about opportunities and risks and argues for 'sensibly shaped' social clauses. In another paper in the same section he discusses the Indian position in the general discussions about social clauses. Christoph Stuckelberger in his short piece argues for social clauses, while Swami Agnivesh in his interview clearly states that the real motive behind them is protectionism and the developed countries' push for mobility of capital. He also attacks the Rugmark Foundation set up to ensure that only child labour free carpets are exported. Even Kailash Satyarthi, one of the key promoters of the Rugmark Foundation and an erstwhile colleague of Swami Agnivesh, has not been spared from a scathing attack. Ramaswamy takes a rather pessimistic view that there is no hope of eliminating 'root and branch of a practice' (child labour), in which increasing sections of society are developing a stake. He suggests that, 'what working children need is what all working people need, incremental improvements by way of hours of work, wages and conditions of employment.' He sees a role for the trade unions in ensuring these.

D. Thankappan suggests that the only way to eliminate child labour is through improving the wage conditions of adults, decent educational support to children and development of a culture where the citizens are educated to make sure children are supported, protected and encouraged. Kailash Satyarthi speaks about the Global March and social clause based on the experience of Rugmark, and the need for an international instrument to make sure that things change without impositions or sanctions. Maneka Gandhi takes a pessimistic tack and talks about why child labour will carry on, given the national and international scenario.

In Part II, entitled Focus India, Klaus Voll and Manju Gupta present a case study on India. Why they choose to call it 'an exemplary case study' is not quite clear. Their broad overview discusses the reasons, socio-economic background, legal provisions and sectors in which children are employed. It also reflects on street children in bondage and girls forced into prostitution. The authors have documented efforts made by NGOs to address the problem and presented their

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favoured recommendations. However, even while they argue that 'children in schools will mean no children available for work' they, in the very next line, state that 'compulsory education does not necessarily eliminate child labour.' They cite the experience of the National Child Labour Policy wherein children withdrawn from work and sent to school, with a stipend, continued to work at night, putting excessive pressure on them. The solution they feel lies in literacy along with skill training – 'earn while you learn' schemes, food subsidies and educating parents of the importance of education for their children.

Part III, 'Reflections and Practical Steps Against Child Labour', presents still another interview with Swami Agnivesh. Manju Gupta, Dietrch Kebschull and Marc Beckmen examine the carpet industry and the philosophy, achievements and limitations of a strategy like Rugmark, based on a process of monitoring and labelling. Chapters 16 to 24 document experiences and strategies for eliminating child labour. They include interviews with Shamshad Khan, Neera Burra and Kailash Satyarthi. The plight of the child workers in the T-shirt factories of Tirupur (Hildegard Scheu), the child domestic workers (Bharti Pflug and Raynah Passanha) and street children based on an interview with Rita Panickar and the work of her organisation, Butterflies. Shamshad is critical of strategies involving labelling and instead favours community organisation and education as the only solutions; so does Neera Burra. Kailash Satyarthi highlights the role of the South Asian Coalition on Child Servitude (SACCS), while analysing different forms of networking and the role of international donors. Christa Durr and Beate Scherrer present their database KIDAT while Meera Dewan shares her experiences while filming 'Whose Children?', a film on the child workers of Firozabad.

The final section contains appendices put together by Manju Gupta and Kavita Sivaramakrishnan, listing the various government departments involved in combating the issue, an account of the evolution of the child labour policy, and a chronology of acts relating to child labour.

While the book is exhaustive and covers a range of national and international issues, there is no clear binding ideological perspective. The choice of articles/ interviews seems too eclectic and unplanned. Despite an obvious focus on social clause, labelling and monitoring through Rugmark and the carpet industry, that does not seem to be the purpose of the book. If, however, the purpose is to demonstrate that the movement

suffers from a lack of cooperation resulting in a fragmentation of the forces struggling against child labour, then the editor has certainly proved his point!

Though, *Street Children* by Rashmi Agrawal is no pioneering piece of research, it is still welcome. It is reasonably focused (although somewhere in the middle, even after the author herself makes it a point to distinguish between child labour and street children, she goes off into great detail on child labour) and makes for easy reading. The case studies and anecdotes based on the author's interaction with the children put the child back into the picture and lend a certain poignancy to the numbers and tables.

The author stresses that street children and child labour represent conceptually different categories. Not all child workers are street children and vice-versa. Street children include non-working children who are beggars, gamblers and so on. Child workers on the other hand are children who live with their parents and go out to work. Nevertheless, the area of overlap between the two is considerable. This is amply exemplified in both the books. While describing the Indian scene, Agrawal has concentrated largely on statistics on child labour just as the previous book on child labour devoted a chapter to street children when examining sectors and strategies.

Chapter 1 defines street children and discusses some qualitative aspects of their activities. Chapter 2 examines the reasons for children being on the streets – poverty, parental and societal apathy, failure of the educational system, conflict in the society and homes, war and natural calamities.

The rights of children under international conventions, the Indian Constitution, laws and policies are dealt with in Chapter 3. The international conventions such as the Convention on the Rights of the Child and the constitutional guarantees and legal rights are meant to provide protection to the children. The author argues that in the absence of the necessary statistics, even if these laws were implemented with the best intentions, they would still touch only a very small part of the problem.

The examination of 'who' the street children are and what motivates them or brings them to the streets, leads the author to focus largely on socio psychological dimensions: their emotions, habits, behavioural patterns, sufferings, dreams, and intelligence levels. She dwells, in chapters 4 to 8, in great detail on various theories and theoretical models. Chapter 6 records her interaction with children in the course of her research. It is not clear why the author refers to her respondents

as clients. One wonders whether this is a deliberate choice of words because she has conducted psychological tests, or simply an oversight.

Subsequently, the author reviews the existing rehabilitation policies and programmes of the government and NGOs aimed at ameliorating the conditions of children at work, both those living with parents and those living and working on the streets. Once again SAACS and Butterflies, whose programmes have been discussed in the earlier book, find mention.

The final chapter, 'We all can Help', calls upon society to rethink its role and offers suggestions on how a combination of strategies, beginning with better parenting, educational reforms, dealing with gender bias, involvement of industries and the corporate sector, is needed. It is heartening that one of the recommendations made by Agrawal is the same as suggested by this reviewer to the Delhi government way back in the mid-90s. While working in one of the children's homes in Delhi and seeing their need for love and caring, the reviewer had suggested that children's homes be linked to old age homes so that the young and the old could 'find' each other. Rashmi Agrawal too feels that contact programmes between the two groups would provide much-needed emotional support to both groups.

Clearly, the book is not designed to be a mere academic exercise. The purpose is to arrive at a range of strategies and possible interventions to change the lives of these children.

Enakshi Ganguly Thukral

CHILD LABOUR IN INDIA by Lakshmidhar Mishra. Oxford University Press, Delhi, 2000.

Lakshmidhar Mishra's dedication to commitment and involvement with the issue of child labour is well known. When I mentioned to a friend that I was reviewing his book, that person remarked, 'You mean the man who fights against child labour although he is in the government?' Surely no further proof is needed of his commitment to the rights of child labour.

In this volume Mishra has documented the state of child labour throughout the country, in a variety of industries. Mishra looks at child labour in the beedi industry in Andhra Pradesh and Tamil Nadu, glass and bangle factories in Ferozabad, U.P., matches and fireworks outfits in Sivakasi, Tamil Nadu, carpet weaving in Kashmir and U.P., as also the leather, gem or diamond polishing and textiles in other states.

Everyone, including the law, concentrates on these areas. Mishra, in addition, looks at children in agriculture, whether as wage labour or in family units. The book begins with a profile of child labour – family size, occupation, gender division, caste. The book is a mine of data. To give just one example: there are 100 million children out of school today in India. This is the magnitude of the problem we face.

A chapter each is devoted to definitional and conceptual issues; the magnitude of the problem; causes and contributory factors; a general profile of children in India; a profile of children in India; and education.

In the Introduction, Mishra indicates his awareness of the legal position on child labour. Few people are as aware as he is that children are pledged in violation of a specific law to the contrary; The Pledging of Children's Act 1933, is still on the statute books.

After taking us on a tour of child labour in India, Mishra, in the third part of the book, once again turns to the macro-constitutional provisions, legal provisions, international instruments, national policy, international initiatives, the role of NGOs, public interest litigation and judicial activism, the role of trade unionism, the media, and even the central employers' organisations. While there is no separate chapter devoted to parental perceptions or the views expressed by child labourers, the author does give them adequate space.

Overall, the book provides a panoramic view of the subject, not overlooking any aspect of this knotty, festering problem. It is well structured; the author's understanding of the subject is mature and has grown over the years.

But then Mishra enjoys a special advantage as an author. As he says (p. 4), during the 1980s and 1990s, he had the unique opportunity to hold a variety of posts, all of which helped him to understand the scope as well the different facets of the basic problem. These included the Labour Ministry, the National Literacy Mission, and the Council for Advancement of People's Action and Rural Technology. These postings allowed him to travel widely and see things for himself. Most important, through this exposure he developed an approach and an attitude to the problem. Mishra has evidently internalised all that he saw and related seemingly unconnected pieces to build a whole to arrive at conclusions about the best way to deal with child labour. One can safely say that he has a near holistic understanding of the problem of child labour and its relationship with universal elementary education.

At the same time, Mishra is able to take a bird's eye view of the subject. He discusses the variety of

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positions on child labour and even concedes that they all have some merit. Nevertheless, his own position is clear and uncompromising. Thus, Mishra accedes to the existence of socio-economic realities but adds that in that case they have to be addressed. He also points out that though no one department or ministry can deal with the problem because of its complexity, is no excuse for pushing the problem out of the realm of the possible or for ignoring it. Instead, his diagnosis calls for action on all fronts.

Simultaneously, Mishra focuses on children who are truly invisible – neither in school nor noted as wage labour. Most of them are girls engaged in a variety of trades such as rag picking in urban areas, fuel and fodder collection and fetching of water in the countryside, and 'mindless domestic chores' throughout the country. He points out that none of our laws provide any protection to these children numbering between 74-98 million. Mishra quotes D.P. Chowdhary who has called them the 'nowhere children', an expression that is both graphic and poignant.

Surprisingly Mishra does not talk of child prostitution and child beggary, surely two most horrendous areas of child exploitation. A one-way street if ever there was one. They are truly 'nowhere children'.

There are at the moment several books on child labour in the market. Equally, several conferences or workshops on child labour have just concluded or which are in the pipeline. Many of the books are excellent, replete with statistics and provide strong arguments for taking immediate steps for eradication of child labour and its replacement with universal education.

And yet there are other books and conferences that promote the cause of continuation of child labour. They involve two categories of people. Some see child labour as a positive good. They glorify the work culture and the independent robustness it promotes – of course, in the children of others. These champions of child labour go on untiringly about the necessity and even advantages of child labour. One is told not only that parents need the child's labour or wages, but also that the children want to work, that education is not relevant to their lifestyles (as though repetitive, boring work is). There are also the bleeding hearts, a term applied wrongly and unfairly to child labour eradicationists. They are the status quoists. They may not be positive champions of child labour, but see it as an unavoidable evil. Notwithstanding the statistics quoted by Mishra and others who point out that only 17% of child workers come from female-headed households, they continue to foreground the widowed, ailing mothers, arguing that they will die if their ill-clad, undernourished boy does not toil from morning to night. Still others point out that we are being impractical, that there is no money for so many schools.

In other words, it is clear that a number of people in positions of power, decision-making and financial control, do not see the eradication of child labour as either urgent or beneficial to the health of the polity. Nothing that authors like Mishra say makes any difference to them. Let us not forget that the Child Labour (Regulation and Abolition) Act was prepared by a so-called child workers NGO in 1986.

The latest strategy is to couch the arguments in the language of human rights discourse, of the child's right to autonomy. From this vantage point it is argued that a child has a right to choose to work so long, of course, as it is someone else's child. It does not matter whether the child exercises her/his autonomy to choose to be an indentured labourer or a prostitute.

There are huge sums at stake in the continuation of child labour, and perhaps even more money involved in inducting them in prostitution, that all arguments to the contrary fall on deaf ears. It is not that those who matter do not know. Indeed they do. It is just that they do not want to listen and, therefore, to change.

It simply is no longer enough to write as Mishra does. A worthy book, preaching to the converted, but probably unable to open the ears of the wilfully deaf. We are no longer speaking to the uninitiated. On the contrary, we address people who listen to us only to use our own words to defeat us. It is time to take the battle out there, to become pugnacious and say in no uncertain terms that child labour has to go, that we draw the line at concepts of autonomy and child's innate wisdom, if evoked, to 'permit' the child the 'liberty' to 'choose', to pawn its future to virtual slavery. Arguments that use such language are essentially specious and evil because they are not intended to be universal in their application.

That then is the basic problem with books like the one being reviewed. They will not set the agenda for the foreseeable future. And that is the need of the day.

Vasudha Dhagamwar

MANDATE FOR POLITICAL TRANSITION:
Reemergence of Vajpayee by Yogesh Atal. Rawat Publications, Jaipur, 2000.

INDIAN politics has been on a roller coaster, as it were, for nearly a decade. The speed as well as the highs and

lows of political drama being enacted in the country has compelled social scientists to work overtime to provide updated analysis. If it has been hazardous to either conceptualize or provide a definitive characterization of Indian politics, indicating future trends has been even more so.

In fact, if we characterize the first two decades following Independence as the period (and politics) of stabilization, the period since then can be characterized as the period of transition. For, despite the visible stability in terms of the overwhelming presence of the Indian National Congress on the national scene, its comfortable majority in the Lok Sabha in 1971, 1980 and 1984, a definite transition is visible in Indian politics since 1967.

It is not surprising that the transition was put on a fast track, as it were, in the next two decades. Naturally, the final decade of the 20th century not only witnessed eventual humbling of the Congress, but also the emergence of hitherto unimaginable alliances. Despite a comfortable majority gained by the National Democratic Alliance led by the Bharatiya Janata Party in the 13th general elections, the period of transition is far from over.

Indeed, politics thrives not on stagnation, but on flux and change. Hence, any talk of transition in politics raises the question 'transition for what'. In the Indian context, ever since the transition from colonialism to democratic polity, the entire political structure – political leadership, party system, social base of power and so on – has been in a state of flux. The period of transition is not yet over. Naturally, studies of Indian politics have focused on changes taking place from time to time.

The book under review attempts to capture this transition at a crucial juncture of Indian history. Yogesh Atal, thus, aptly titles the book as *Mandate for Political Transition*. Three distinct transitions are clearly visible. First, there is a change in national leadership. From Rajiv Gandhi to Atal Behari Vajpayee, through V.P. Singh, Chandrashekhar, P.V. Narasimha Rao, H.D. Deve Gowda and I.K. Gujral, the leadership of the nation is under transition in more ways than one. Second, there is a change in the party system. The Congress system of the yore has clearly breathed its last. The emerging party system, rather party systems, still lack a clear pattern. The NDA is a grand effort in coalition making, akin to the Congress' effort to create a social coalition, yet it is inchoate and incohesive. Finally, the political sociology of the power structure is under transition. It is determining, and will determine

in the future, the nature and shape of social and political coalitions in the country.

Therefore, this 'narrative of the 1999 elections' 'written to document the entire process as it unfolded' is a timely micro study. Yogesh Atal is meticulous in his narrative. From the defeat of the Vajpayee government by one vote on 15 April 1999 to the victory of the NDA in the 13th general elections, Atal has painstakingly captured the details of what he calls 'mandate for political transition'. Indeed, this book will be useful for researchers looking for a chronology of the political drama in the year 1999 that convincingly established Atal Behari Vajpayee as the leader of the BJP, the NDA and the nation.

Howsoever useful a meticulously documented chronology of political events may be as a treasure trove of information, it can claim status as an academic study only if it provides an objective analysis with proper perspective and conceptual clarity. Though Atal explicitly claims 'objectivity of a social science exercise', his gentle tilt is evident from cover to cover. For example, while narrating the events leading to the fall of the Vajpayee government, not once does he question either the merit of an alliance with Jayalalitha despite corruption charges against her, or her 'appeasement' by Vajpayee. He does not hold either the government or Vajpayee responsible for actions by her nominee in the council of ministers to protect her for acts that were politically, administratively and ethically wrong. Similarly, his repeated characterization of all opposition politics as 'machinations', each as a reaction to good acts by the government, also betrays a clear bias.

His 'tilt', to put it mildly, would have been neutralised had Atal attempted a rigorous analysis of his painstakingly collected data. He had his opportunities in chapter 5, when he 'compares' party manifestoes, in chapter 6 titled 'Contentious Contexts' and in chapter 7 on 'Poll Predictions: opinion and exit polls'. He could also have attempted it in chapters 8 and 9 – 'Election Results: a clear mandate' and 'Back in the Saddle: the road ahead'. However, he seems to have evaded analysis altogether, for whatever reasons. In the absence of a perspective and analysis, there is no conceptualization of a major event in India's contemporary political history. Sadly, the book fails to present a perspective on any of the three crucial political transitions – in political leadership, in the party system and in the power structure.

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Ajay K. Mehra

STATE OF HUMAN RIGHTS IN 1999. Human Rights Commission of Pakistan, Lahore, 2000.

WHAT is it about the absence of democracy that makes for gripping human rights reportage and deeper analysis? Surely not just the fact that adversity brings out the best in us. Whatever the reasons, it is undeniable that of all the South Asian countries, Pakistan, which has experienced the greatest difficulty in its efforts at institutionalising a modern democratic state marked by civic freedoms and a rule of law, has produced the most formidable commentary on the state of human rights in the country.

The very fact that the Human Rights Commission of Pakistan has survived and published its 10th report, despite four changes of regimes and stints of martial rule, is some cause for cheer. Closer home, notwithstanding a plethora of human rights organisations and a history which can be traced to the setting up of the Civil Liberties Union in 1937, we have never managed anything comparable. There are the occasional outstanding efforts – the PUCL-PUDR report on the 1984 anti-Sikh pogrom, the courageous work by Nandita Haksar and her colleagues in documenting army excesses in Mizoram, or the more recent Srikrishna Commission report on the Bombay riots of 1992 – but no cohesive assessment of the state of play in the country. As such, for overall assessments we are forced to rely on monographs emanating from Amnesty International, Asia Watch, or even the relatively discredited State Department Annual Reports on Human Rights presented to the US Congress. If Pakistan is fortunate in having a national assessment of the health of its polity, it has much to be grateful to the late Justice Dorab Patel, the feisty sisters Asma Jehangir and Hina Jilani, and the HRCP Director, I.A. Rahman.

The HRCP reports are valuable not only for their extensive documentation, but for the perspective they provide for a study of human rights. Unlike most western human rights organisations whose frameworks are not just excessively legalistic and focused on the presence or otherwise of civil liberties, HRCP reports are marked by a *political* understanding of the struggle for rights. As much as rule of law or its enforcement and the effective exercise of fundamental freedoms – of movement, thought conscience and religion, expression, assembly, and association – HRCP analysts discuss the state of social and economic rights, in particular of the disadvantaged – women, children, labour – in an overall framework of democratic development. In doing so they document the activities of both the state and civil society organisations – modern and traditional.

Not unexpectedly, the narrative is bleak, given 'the blows struck at the nation's faith in its ability to govern itself.' The report documents the failure of successive governments – from Zia-ul-Haq to Nawaz Sharif via Benazir Bhutto – to perform, and worse, the 'efforts to set up false symbols, wasteful monuments, and ersatz imitations of institutions.' 'For governance we had despotism; for justice, parallel Shariah courts, military trial courts and special anti-terrorist courts; for laws, hudood, qisas and diyat; separate electorate and anti-Ahmadi and anti-"blasphemy" provisions; for economic development, the likes of a motorway; and for a foreign policy, nuclear tests, ballistic missiles and a Kargil.'

The report also points out that in the foreseeable future Pakistani democracy will inevitably be painted in military colours. While castigating the growth of poverty, the lack of social development, the growth of ethnic and sectarian strife and religious militancy, the targeting of liberalism and so on, in the HRCP assessment – the media, the women's movement and the NGOs – despite battering have emerged stronger. It is in these developments that it sees hope.

An unusual feature of this report is a full listing of HRCP activities through the year, in particular the stands that the organisation took on specific issues. Of particular interest is its consistent opposition to nuclearization; to the painting of the military takeover in positive terms, despite having faced serious harassment from the Nawaz Sharif regime; and to efforts at reducing the Kashmir question to one of a deal between India and Pakistan.

If such stands, which question an ostensible national consensus, can be publicly articulated in the difficult environs of Pakistan, hopefully our fledgling human rights community too will gain courage. That would be a worthwhile example of Indo-Pak People-to-People initiative that bodies like HRCP espouse.

Seminarist

DOWN AND OUT: Labouring Under Global Capitalism by Jan Bremen and Arvind N. Das, photographs by Ravi Agarwal. Oxford University Press, Delhi, 2000.

IN an era dominated by discussions of global capital flows, foreign direct investment, forex reserves, mergers and acquisitions, fiscal deficit and downsizing –

all central concerns for those bothered about the Sensex – a book on labour is hardly likely to excite attention. If anything, in our frenzy to be recognized as a global (or at least regional) economic power, talk about workers is met with derisive unconcern. 'Another last ditch effort by erstwhile leftists to discredit the liberalization programme.' 'A bleeding heart effort to generate sympathy for the under-class.'

Given the flawed imageries conjured up by most labourist discourse and the widespread antipathy to what are seen as the 'blackmailing' antics of organised labour, this should come as no surprise. But like most ephemeral excitements, such a dismissive attitude would be tragic. For anyone interested in a realistic and rooted appreciation of our growth path, ignoring labour is akin to reading Hamlet without the Prince of Denmark.

For close to 40 years, Jan Breman, a Dutch social anthropologist, has been among the most perceptive observers of the changing situation of workers From *Patronage and Exploitation* to *Footloose Labour*, Breman has provided us some of the most detailed and gripping accounts of how our labouring strata has lived, fought and survived the changing times, more often as respondent but episodically as an active agent. Equally noteworthy has been his contribution in attracting other scholars to the field. And though his prime field area remains South Gujarat, readers may recall his evocative essay on Calcutta.

Arvind N. Das too is no unknown entity. Historian, journalist, documentary-maker, Arvind is best remembered not only for his work on Bihar but his feisty commentary on the peccadilloes of our times. Along with Ravi Agarwal, photographer and environmental activist, the two present to us a book that we can ill-afford to miss. And, despite its coffee table format, it would be foolish to put it aside as a superficial text. The three take the reader on a fascinating journey through the life and times of workers – men, women and children – in activities as disparate as textiles, gems and jewellery, cane fields, brick works, construction and petty trade. The journey progresses from the village to the small town and cities to the metropolis and back.

Among the first myths that *Down and Out* explodes is about the immobility of labour. One, in fact, would be staggered by the extent of migration – the numbers, distances travelled – and the fact that not all or even most of it is one way. We also learn that there is little that is informal or unorganised about this lower end of the labour market, despite the popularity of terms like the informal sector. The ease of entry and exit is at best relative and involves sophisticated calculation on the part of participants. Third, that our workers are not poor because they are lazy or shirkers. Rather, the focus should be on their exploitation. 'The down and out produce wealth from which they however remain excluded as beneficiaries. Most of them are the working poor who continue to live in a state of misery and oppression because of the low wages paid for long hours of work.'

Is this inevitable or merely a result of 'our state of development'. That any attempt to ensure to the workers their just dues would only result in these enterprises becoming non-competitive, and thus shut, creating joblessness. This book argues that our manifest poverty is a reflection of our 'development' not 'backwardness and stagnation'. The Breman-Das-Agarwal workers are on the move; they are active agents who scramble to survive, resist oppression where possible and make deals where feasible. Their suffering is more a result of *our* actions than theirs.

The most memorable section of the book are extracts from a letter that Jan Breman's mother wrote to him in response to his early descriptions of the Dublas of Gujarat in the '60s. She recalled her own life in the Netherlands of the '30s and how the post-War economic boom finally elevated her from a barge-puller and peat digger to a comfortable, though working class, existence. She, like our early planners, reflected the optimism of progress.

The Breman-Das text is no narrative of unrelenting misery and immiserisation. Progress has taken place, even for the Dublas of Gujarat. And yet as the economy has transformed from local to global resulting in a clear separation of producer and consumer, new forces have started governing life chances. In many ways this makes the struggles of such workers even more difficult, because in their various trades and occupations they never face the actual decision-makers. This is why we need both policies and struggles that seek to organise the working poor both as workers and citizens. Equally, there is need for more rather than less state intervention. Otherwise we are in for an era of predatory capitalism.

Finally, this book, and Ravi Agarwal's photos are an immense help, permits us to move from policy abstractions to 'flesh and blood' humans. Hopefully next time we cheer a slum demolition or the removal of a street market, we will be forced to pause by what we have read and seen in this book.

Seminarist

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Comment

People and planning

THIRTY years ago young men and women all over India poignantly sang these lines from Adam Gaundwi:

If, of a hundred people, seventy today
Are immersed in misery
Place your hand on your heart and ask
Is our country really free?

That wave of middle class idealism is not in evidence any more. Generation X is caught up in the mesh of cola wars and infotech. Generation XX is likely to be even more distanced from notions of liberty, equality and fraternity that once inspired whole societies. This may be cause for mourning for some but it is, nevertheless, real and cannot be wished away. But does it mean that the seventy per cent also disappear? Or does it mean that they will sing their own songs, and idealism of one kind will give way to realism of another?

These questions came into sharp focus on 4 June 2000, a day before World Environment Day. At an unusual convention in the Speaker's Hall in New Delhi's Constitution Club, in the shelter of the long shadow cast by the Constitution of India and its framers, people gathered to debate what is a city and who are its citizens? Is the city a product of the imagination of town planners and the affluent on whose behalf they work, or is it the creation of those hundreds of thousands who come to work and toil to actually build and maintain urban society? Is there a visible planned city, and another that is informal and invisible? And do these invisible citizens have any say in the making of the city?

The convention was organised by the Sajha Manch, a loose federation of eight organisations who had organised a similar convention last year at the same time. But this year the Manch invited over 50 mass organisations, community institutions, and voluntary groups working all over Delhi. These organizations gave voice to the experiences and aspirations

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of those 80 lakh citizens living in an estimated 1200 slums, 50 resettlement colonies, and 1500 unauthorised colonies in the capital. In a sense, Dushyant's seventy per cent made its presence felt in a debate from which it had so far been excluded – a debate on the purpose and direction of urban planning.

To assist in the debate, the Manch had also invited several concerned professionals and sympathetic researchers to contribute their insights. Furthermore, through months of persistence, involving numerous letters and phone calls, the manch tried to get the administration, the funders, and service agencies to participate. Though many sent confirmations, eventually only the chief minister of Delhi and some senior officials from the Delhi Vidyut Board and the Planning Department put in an appearance. This provided adequate clues about who is officially considered to be a citizen and whose voice is to be heard in the committee rooms of babudom. Even the media coverage the following day reported only the speech of the chief minister or, at best, the contributions of a former prime minister who was 'kind' enough to grace the event. Thus, the richness of the deliberations of an invisible city was forced out of sight and, therefore, out of mind.

The two contrasting faces of the city were very much in evidence through the long day. On one hand was the august presence of the Constitution Club itself, with the silent commotion of powerful people flanked by their inevitable security guards. On the other, were the faces of the people etched with care and expectation, dressed in their Sunday finery, unaccustomed to sitting quietly for long in rows of ornate chairs. Yet, the debate was powerful and lively. While the officials portrayed the city as burdened by a wave of migrants, data laboriously collected by the Sajha Manch put the onus on the other foot. Household surveys conducted in over 20 settlements gave a picture of an average family size of 5 with 75% below the age of 30 years. 41% were working in offices, 20% in factories and shops, and 29% as daily wagers. 36% of the families had two or more working members, while 44% of the workers were skilled. 75% were however temporary, and the average monthly wage was less than Rs 2000. So here was a young, productive and insecure working population which, in fact, was being burdened by the city.

The looming threat to work itself was one of the themes of the convention. Darogaji of the labour unions, Ramkumarji from Bhatti, Rajendraji from Vikaspuri, and Vidhichandji from Wazirpur described how industries were being closed down, offices dismantled, and public vehicles forced off the road in the name of pollution, and how this was drastically affecting employment. Sajha Manch data also revealed that the number of workers in a factory averaged 40, as compared to the Delhi government's official figure of 9. Thus every unit closed down was affecting four times the number of families than was acknowledged by the authorities. The data also showed that the average size of the workplace was only 100 sq m., which was in stark contrast to the much larger (and much more expensive) space being provided to industry under the relocation plan of the government. Large chunks of space were also being acquired for flyovers, hotels, river front development, metro rail, and expressways; most of which, other than generating little or no employment, were also in violation of the city's master plan. Thus, the working population was being severely burdened by the green policies being propagated by the NGOs, the courts and the administration.

Further aspects of the burden borne by this population became apparent when the chief minister mentioned that the city could not be expected to look after an additional 5 lakh migrants every year. But Shivakantji of Premnagar countered that the DDA, mandated to provide housing in 1955 and on the land acquired for residential purposes, should have built 10 lakh flats by now. Since less than 3 lakh flats had been constructed, it was the failure of DDA to build the balance 7 lakh that had forced people into building unauthorised colonies and jhuggies. Vatsji from Nangloi added that even the DDA flats that had been built in the name of the people were unaffordable. Ravindraji from Mandawli commented that the process of resettlement added to the hardship because the relocation was in far-off areas and there was no provision for economic public transport.

Ramkumarji from Bhatti caustically remarked that the 18 sq yds provided for resettlement was not adequate even for their donkeys. Subhashji of Nirmaan reminded the chief minister that the Nirmaan Mazdoor Act of 1986 had not yet been notified in Delhi. Millions of rupees collected from construction workers and slum dwellers in 1992 had not been used to build cooperative housing societies, since the managing committees had not been constituted by the government. And Gopaji of PUCL drew attention to the uncounted numbers of shelterless who had been on the streets of Delhi for over 10 years, as labourers and lone bread winners, but without access to minimum wages, voting rights or ration cards.

The chief minister also made an appeal for conservation of water, in view of the fact that Delhi was

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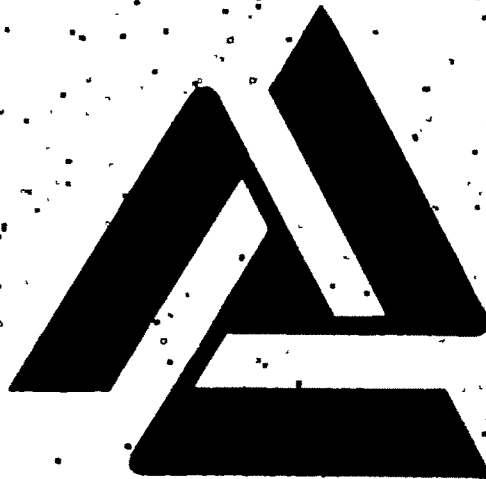
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providing 275 litres per person per day compared to London's 175 litres. But the Sajha Manch data of an average consumption of 30 litres by the invisible population, with 75% of them sourcing water from handpumps, raised the question of who was to conserve water for whom? As Sumitraji from Sundernagri put it, the government norm for resettlement colonies declared in 1986 provided 1 tap for every 100 people, but in her colony there were only 4 taps for 2500 families. There was no drinking water in the schools, and sewerage was non-existent inspite of the MCD sewer passing right next to the settlement. Sajha Manch data, revealed that only 3% had access to sewerage while 62% were using public toilets. Other invisible citizens recounted how there was 1 toilet seat for 200 people as against the norm of 1 for 25, public toilets were badly maintained, charges were mounting with privatisation, and drinking water was badly contaminated because of a lack of sanitary facilities.

Electricity supply was another issue which came up repeatedly. Urmilaji of Gautampuri stated that Rs 320 had been paid by hundreds of residents in 1997 to DVB for electricity connections but these were never supplied. Later the scheme was reportedly cancelled, but there was no notification. Neither was the money returned. Subsequently, Rs 800 was collected for installation of meters by private parties under another DVB scheme, but these meters were faulty and the bills were consistently high. Rubinji from Ayanagar said that Rs 48 lakh was collected from his colony by DVB in 1999 for which they had receipts, but they had to erect their own pylons, despite which the lines had not been energised.

Similarly, Rs 70 to 80 lakh had been collected in Premnagar in 1999 for electricity which had still not been made available. And where electricity was being supplied, often it was at much higher rates than the stipulated Re 1 per unit. This, therefore, raised the question of who was the real thief? Was it the residents of the sub-standard settlements who were supposedly attaching illegal wires to the power supply (though Sajha Manch data revealed only 15% households had electricity connections and 96% depended upon the kerosene stove or cowdung chulha)? Or was it DVB which had collected crores of rupees but not delivered any services?

Other services were also held up to scrutiny. 39% were cycling and 22% were walking to work, covering on average, a distance of 10 km but there were no separate cycle or pedestrian paths as stipulated in the Master Plan of 1962. 71% residents mentioned there were nearby schools but admission was frequently denied on frivolous grounds. Clearing school was dependent on attendance and not on learning. Health services had been reduced to family planning activities; no medicines or facilities were available in the few government dispensaries, forcing 70% of the people to go to the unregulated private sector. Ration cards were not being issued and food insecurity was adversely affecting the health of the invisible city. While 68% knew of the local police thana, only 4% had a nearby park. Nevertheless, when women and men took to the streets to protest against gambling, alcoholism and drug use in their localities, the police took immediate action to arrest, intimidate and even beat up the protestors, instead of tackling the powerful gangs who carry on these anti-social activities.

What was the response of those occupying responsible positions of power – whether present or past? Chief Minister Sheila Dikshit listened patiently for the two hours that she was present, made the occasional noting in her papers, and eventually gave a call for *bhagidari* because the government could not deliver without the participation of the people. (It should be noted in passing that the bureaucrat entrusted with the task of following up on bhagidari was transferred two weeks later!) The two technocrats from the DVB pleaded that changes in policy and directions from above made their technical task of delivering electricity even more problematic. The planners made it plain that government was incapable of delivering services because of crumbling administration and bad planning. And former Prime Minister V.P. Singh issued a call for struggle, without which no change would take place.

The convention firmly placed the voices of ordinary men and women, perhaps for the first time in the city of Delhi, at the centre of the debate around urban planning and, in particular, the evolution of Delhi's third Master Plan. It also made clear that not much could be expected from either policy-makers, service agencies, media, or professionals Will the invisible citizens now respond by pushing for greater visibility, for increased participation, and for greater freedom in determining their own lives? Adam Gaundwi certainly seemed hopeful. As did the group from Vikaspuri who sang:

We people, of such a madness are we
That we will rest only when we have changed the
world!

Dunu Roy

Communication

THIS is written in response to V.K. Srivastava's article titled 'Ageism' published in *Seminar* (488), April 2000. It is difficult to believe that this is a piece by a trained social anthropologist. Not only does it ignore social facts, it attempts to pass off uncritical ideology as social fact. Whether in explaining the reasons for fertility decline or the fate of the old in the future, the article lacks objectivity and sensitivity to detail, both of which one would expect in a sociologically informed piece, even one addressed to a more general audience.

Take Srivastava's reasons for the decline in birth rates. Among other reasons such as the emergence of alternatives to 'traditional family and marriage bonds', the author argues that 'it is observed that many married professional women prefer to remain childless; pregnancy and childrearing is often interpreted by them as an onerous burden that thwarts upward career and professional mobility.' This is meant to be a universal, 'observed' statement, but clearly is too generalised to be useful. One would think that for many countries, and certainly for India, Srivastava would have something to say about the lack of support systems available for women, which often prevents them from thinking about the birth of children – the absence of domestic help, familial or institutional (including workplace) structures of support, increased work pressures, increased social and geographical mobility and the slow pace of change in inter-spouse sharing of domestic responsibilities. All or some of these may combine to deter a woman from thinking about having children. We have only Srivastava's 'observation' (who are these people he observed) and no critical analysis.

Again, Srivastava's recurring statement about the family being the most important institution for initiating a revolution to combat ageism seems to be more of an ideological statement, given that it flies in the face of the fact that it is families which are at the root of the problem of the neglect and abuse of the aged. This is not, however, the only or perhaps even the main problem. Demographic realities (fewer children or none), the realities of national and international migration for employment, the lack of available systems of support – day care or home care for the sick and aged, domestic assistance and the like – all militate against leaving the care of the aged entirely to the 'family'. The family structure has changed: it is often very difficult for children (and what if there are none) to offer sustained, daily care to their aged parents, particularly when they are sick or immobile. In a family with one migrant son or daughter, who will be the person to offer such care? It is not always possible. We have to understand the ways in which our families are changing and take this into account in thinking about imaginative solutions to the problem of the care of the aged. Simply reiterating that the 'family' is the solution will not do. The particular familial structures being talked of have to be specified and these are not the same as they were even a few decades back at almost every level of society.

Given this, we cannot outright reject the idea of homes or institutions for the aged mediating between the family and the state. It is not necessary that such homes should be cut-off from the family or that the aged should be neglected within them. Certainly, we cannot base our understanding of a humane solution entirely and unthinkingly on what our respondents say. Srivastava concludes his piece by saying that a move to homes for the aged announces to the world that 'an inmate has produced unfilial children. No older person would like to make his children a butt of ridicule. I learnt this from my conversations with the old people in south Delhi and rural Rajasthan.' Homes might ensure the aged, particularly the sick, care that a working son or daughter simply *cannot* give them. Our respondents can say anything: that it is good for a woman to be under the patriarchal control of the joint

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family; that female children are a drain on family resources; that the remarriage of widows is a stain on family honour. We can understand the reasons and contexts for their responses. We cannot uncritically offer them as a base for neglecting to consider alternative possibilities.

Rowena Robinson
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Vinay K. Srivastava replies:

MY critic's communication bristles with belligerence, casting doubt on my training and credibility as a social anthropologist. That my article on ageism lacks 'objectivity' and 'sensitivity' (which is quintessentially subjective) is illustrated with two ideas, picked up rather randomly, viz., my explanation of declining birth rate, and the role of the family (and household) in extending care to the aged.

Let me take up the first cavil, on declining natality rates among urban middle and upper classes. As my article was not on the demography of old people, or population structure in general, I did not delve into the sociology of birth and death statistics. The point I endeavoured to make was that professional women in the West, as also in our metropolises, nurture an attitude towards pregnancy, accouchement and childrearing that is contrapuntal to patriarchal ideology, according to which the completeness of a woman is incumbent upon her becoming a mother, that too of a male child. Many female professionals consciously choose to remain childless, or have just one child notwithstanding its sex. One-child families are gradually becoming popular.

At no place did I imply that this observation was universal. Perhaps we do not look for universality, we look for differential trends, those which tend to accelerate over time, and why. Yes, this observation – which surely can be converted into a hypothesis and then operationalized – has an empirical basis. My caviller is curious to know the people whom I 'observed', from whom I collected this information. Well, they were professional women and men, my friends and acquaintances, in India and abroad, with whom I have often broached the subject and confronted the male with the female point of view. Let me add that trained anthropologists know full well that they are perennially 'fieldworking'; they are

always 'observing' (without any observation schedule) and 'interviewing' (without any structured guide or inventory) their friends and relatives, who in fact become their regular 'respondents'.

My critic, later, concurs with my observation (or hypothesis), but expects me to examine a myriad of interrelated factors accounting for why professional women prefer to have fewer or no children. Was I expected to undertake this venture in an article on ageing?

Let me now turn to a more serious comment on the value of family in the care of the aged. My critic writes (let me quote a segment of her sentence): '...it is families which are at the root of the problem of the neglect and abuse of the aged.' I had written something to this effect at the beginning of my article, but had also argued that it would be preposterous to think of dispensing with the primary institution of the family. Even if we think of certain 'imaginative solutions', to which my critic refers but fails to spell out, we perhaps will not be able to transcend the family system. Without enfeebling the significance of homes for the aged, I had submitted that the family remains (and will remain) the only group (or institution) where the care for the aged is a natural outcome of kinship affinity. Shouldn't then the family be strengthened?

I do not propose to compare and contrast here the institutions of old age homes and the family from the perspective of providing care to the elderly, for this will be the subject of a separate article. However, certain questions need a thorough treatment when we debate 'alternative possibilities'. For instance: How many homes for the aged are there in India, or any other country? Are they enough for accommodating the burgeoning grey population? Are these homes socially acceptable? Are the facilities available in them adequate? Do the aged live with dignity in these homes? Do the grizzled people want to shift to these homes? How will their status be affected if such a mobility were to occur?

When I wrote that for certain people shifting to old age homes amounts to announcing to their community that their children were 'unfilial', I was simply representing the insider's view; I was certainly not supporting their viewpoint. Hopefully, we all know that cultural relativism is not ethical relativism. Delineating people's ideology does not mean its acceptability to its interpreter. Let's remember, ideology is a social fact; I was not 'passing it off' as a social fact!

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Backpage

BETWEEN the 'from squalor to splendour' initiative of Minister Jagmohan and the 'hullabol' against the proposed demolition drive announced by former PM V.P. Singh, we are well and truly into the silly season.

Jagmohan provides strong competition to Murli Manohar Joshi as the favourite dartboard character for the liberal-left intelligentsia. Ever since his association with the Turkaman Gate demolitions during the Emergency and his somewhat questionable role as governor of Jammu and Kashmir, the minister has excited strong passions. He comes across essentially as a loner, supremely convinced and thus intransigent about his views. Little wonder that his resolve to clean up Delhi, targeting in particular illegal constructions and encroachments on public land, has many worried.

So while owners of commercial establishments and those living in palatial houses in 'unauthorised' colonies like Sainik Farms and Anant Ram Diary, not to speak of the farmhouse owners of Mehrauli, along with their protectors and supporters in the DDA, NDMC, MCD and the political establishment, are apprehensive about the potential loss of investment (and illegal earnings), since the minister's drive is equally directed against unauthorized slums and JJ settlements, the votaries of the urban poor too are up in arms.

This is where the erstwhile Mandal messiah steps in. Returning to the political scene after a long self-imposed hibernation, V.P. Singh has decided to target slum and pavement dwellers as his new chosen constituency. No demolition without appropriate rehabilitation and alternative residential sites is the new slogan.

In itself, this standoff is as old as the planned development of the city. On paper, at least, Delhi, like most cities, is to be 'developed' as per a master plan. Not only are areas and sites earmarked for designated purposes – commercial, residential, parks and green areas, recreational – we have agencies to oversee proper implementation. The fly in the ointment is the plethora of rules and regulations, usually incomprehensible and self-contradictory, which not only create a huge leeway for interpretation (creative freedom) and potential margins for rule enforcers, but force 'honest and rule abiding' citizens into illegality.

Slums are a totally different matter, reflective not only of the relative absence of earmarked land at appropriate pricing for poorer citizens but also of the needs of new migrants pulled in by the opportunities of the city. Many have nowhere else to squat since already built-up areas are much too expensive and planned cities have no free space for fresh colonisation. The most convenient sites are thus unoccupied public spaces – roads, lands designated as green areas, alongside railway tracks, river bed and nullahs – preferably where the squatters can tap public services (water, electricity) and be close to places of work.

Efforts at slum clearance (as distinct from improvements via regularization and upgradation of services) are caught in a double bind. At one level, it is apparent that most slum dwellers have no viable alternative. They are in the main poor and hardworking citizens exercising a strategy of survival while rendering valuable and needed services to the city at low cost. Classifying them as illegal and slums as breeding grounds for pestilence and crime is unwarranted.

On the other, since they are ' unauthorised', weak and insecure they are forced to seek patronage (as also suffer extortion) and often form part of a criminal/mafia operation to colonise public land which can subsequently be regularised and turned to alternative uses. Inaction, thus, is not merely a humanitarian 'live and let live' policy; it feeds into the growing power of land sharks operating in cahoots with corrupt officialdom and unscrupulous politicians.

Just as Jagmohan's drive, not just to beautify the city but to re-impose a regime of law, can be criticized for being insensitive to the plight of the urban poor denied citizen rights, V.P. Singh's 'hullabol' too comes across as populist rhetoric. Cynics, of course, claim that he is foregrounding the poor only to stymie any action to regulate the city; that it even weakens the drive against the elite wrong doers. The greater tragedy is that despite decades of experience with such stand-offs, neither the state nor civil society organizations have managed to evolve a process that could meaningfully accommodate diverse needs and expectations.

As long as cities represent opportunities for advancement, they will attract migrants, whatever the difficulties they face in the demanding environment. Swifter development of non-metropolitan areas will no doubt help. That, however, should not be an excuse to shy away from institutionalising a consultative process that grants to the poor the rights of equal citizenship. The alternative is both chaos and barbarism.

Harsh Sethi

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Secretary's Message

Odds, ends, and reflections....Thanks to those of you who sent me suggestions on improving the quality of life in the information age. The prize goes to Len Reich at Colby College, who came up with the idea of electronic bulletin boards for each Special Interest Group linked to the SHOT home page. We will be happy to set them up, as long as the SIG members are willing to maintain them. After consulting with various experts, we've decided that it makes more sense to have members come to our on-line Newsletter than to have the Newsletter come to them, say as an attachment. There are simply too many problems with formatting, compiling addresses, and so on to deal with. Each Newsletter costs approximately 1000 to print and another $700 to mail. If we can convince even a third of our members to take advantage of the electronic version, we can find plenty of worthwhile things to do with that money. My own proposal would be to earmark it for either the Kranzberg Predoctoral Fellowship Fund or for our new Hindle Postdoctoral Fellowship Fund (more on that in the October Newsletter). I'm thinking about having a check off on the *Technology and Culture* renewal notices beginning next January, something like the check offs for campaign fund contributions. What do you think? In other electronic news, pay particular attention to the ACLS ad in this issue. The editors are looking for a few good authors, and I'm confident that SHOT can deliver them.

From time to time, our office gets requests for expert advice on some aspect of the history of technology. Some we can answer. Some probably no one can answer. Does anyone out there know the detailed history of extension cords?! While we try to be as helpful as possible, we also want to make it easy for journalists and others to find out what we know. To that end, SHOT now has an expert directory on our home page. It was originally designed so that our members could find out who else shares their interests or might answer their queries, and so you need a SHOT membership number to use it. Why not open up the directory to the public? For some time we have been compiling a list of experts from subscription renewals, but as you all know, the categories are rather broad, and hardly all-inclusive. We would instead propose that individual members update their own listings and could, if they like, include a contact number, either phone or e-mail. Many of us, I suspect, are flattered by a call from *Business Week* or the *Washington Post*. Again, we would appreciate your feedback.

A few words about prizes. For reasons I don't fully understand, we are only receiving a handful of submissions for some of our prize competitions. Indeed, this year one of our prizes will not be awarded because there simply were not a sufficient number of sufficiently strong entries to choose from. I know that there are plenty of excellent graduate student seminar papers being written out there which would be perfect candidates for the Levinson or Robinson Prizes. Getting that first paper published is an important step in a scholarly career, so I urge graduate advisors to remind their students about these opportunities, and urge graduate students to nag their advisors for some help in polishing up those seminar papers.

Like the rest of you, I can't wait for Munich. Ulrich Wengenroth and his colleagues have worked terribly hard for a couple of years to prepare local arrangements, while Mike Allen and the Program Committee have provided us with a wonderfully rich intellectual smorgasbord (I suppose the metaphor would have been more appropriate for our Swedish meeting). I can't remember more, or more interesting, tours. As you might expect, the best ones filled up fast, and our apologies to those of you who didn't make the cutoff. One more reason to get those meeting registrations in on time. We will of course issue refunds as soon as possible.

Thanks to Bob Post and Pam Long, the AHA Pamphlet series is moving ahead at a rapid pace, with some exciting projects already in the pipeline, starting with one by Francesca Bray, last year's Dexter Prize winner, on technology in China. These will reach a wide audience and provide an excellent showcase for our scholarship. Should you want to participate in this venture, please contact one of the editors.

Stuart W. Leslie
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Spring Executive Council
April 15-16, Baltimore, MD
Meeting Highlights

Jim Williams, who will be leaving the Treasurer's post at the end of this year, is leaving SHOT in excellent financial health. With advice from the Finance Committee, SHOT has adopted a more aggressive investment strategy, and has also received some extremely generous restricted gifts during the past year. Our members seem to be in a giving mood lately, and many are contributing to the Kranzberg Fund on an annual basis. We strongly encourage you to follow their example.

John Staudenmaier reports that *Technology and Culture* is likewise in exceptionally good health, with more and better submissions on a wider range of topics than ever before. Jo Schultz is putting the Table of Contents into digital form, which will be a blessing to those of us who can't quite remember who wrote what article when. We will be putting this onto the SHOT web page as soon as it's ready. Our long-range goal is a searchable index for all back issues of T&C. We are also putting together runs of back issues of T&C so that they will be available to libraries which would not otherwise have access to them, in Eastern Europe, Africa, and Latin America for instance. If you have suggestions, please send them along.

Thanks to Bob Post and Daryl Hafter, we now have a SHOT brochure that explains who we are, what we do, how to join and why we deserve financial support. Copies will be available by August 1. Just ask and we will send as many as you need. That way you'll have some handy to distribute at other professional meetings and so help spread the word about SHOT.

Finally, the Council appointed a committee to review and suggest appropriate revisions for our constitution. Members will of course have an opportunity to consider and vote on the recommendations. Our time table is for a progress report Council by April 2001, and a vote by the membership October 2001.

The next Executive Council meeting, which is open to interested SHOT members, will be held Thursday, August in Munich, from 9 am to 4 pm.

KRANZBERG FUND

Donors since January 1, 2000

The following contributions to the Kranzberg Fund have been received between the time all donors were listed in the January 2000 newsletter and the end of April; the full list of donors will again appear in the January 2001 newsletter. All-told there have been 455 separate contributions since 1996. As of May 1, 2000, the fund stood at $88,187.24, and it looks like our goal of $100,000 by 2001 is well within reach. Those of you who have not yet contributed, please do so. And those who have contributed only once, please join all the others who have done so more than once—nearly half the donors. In the January 2001 newsletter, we fully expect to be able to announce that we have attained our goal, that the K-Fund has reached 100K.

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Mr. and Mrs. R. S. Webster

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NEWS OF MEMBERS

- **Kenneth Lipartito** (Florida International University) received the 2000 Harold F. Williamson award from the Business History Conference. This prize is awarded every three years to a scholar/teacher in mid-career who has made significant contributions to the field of business history.

The World History Association has chosen James McClellan III and **Harold Dorn**, *Science and Technology in World History, An Introduction* (Johns Hopkins University Press) as the winners of its 1999 Book Award, the primary criterion for which is history from a global perspective.

SIG NEWS

Envirotech is pleased to announce that their new list serv for scholars and students interested in studies at the intersection of environmental history and the history of technology, "envirotech," is up and running after some technical delays! To subscribe, send mail from your preferred email address to majordomo@lists.stanford.edu with the following command in the body of your email message: subscribe envirotech. Remember, don't write anything in the subject line. If you ever want to remove yourself from this mailing list, you can send mail to Majordomo@lists.Stanford.EDU with the following command in the body of your email message: unsubscribe envirotech.

CONFERENCES

The **Gordon Research Conference** is holding a conference **August 20-25** entitled "New Frontiers in Science and Technology Policy." The conference, first of a prospective series, aims to bring together under the GRC format researchers with those who study the political, social, cultural, and economic aspects of science and technology. Session titles include science, technology and the clash of values; trends and issues beyond federal spending; improving the S&T information system; the changing research university; science and math education kindergarten through undergraduate years; innovation and the reservoir of new ideas; international dimensions; and the new economic and social contract. See Gordon Conference website at www.grc.uri.edu for general background of Gordon conferences and www.grc.uri.edu/programs/2000/newfront.htm for more program details. Apply to conference at the website.

The **Millennium Congress of The International Committee for the Conservation of the Industrial Heritage** is being held in the UK. The Congress is from **August 30 to September 7, 2000** and will encompass discussion of different approaches to the understanding, recording and conservation of our industrial heritage world-wide. For further details and registration forms, please contact: TICCIH2000 Administrative Secretariat, 42 Devonshire Rd, Cambridge, CB1 2BL, Uk Telephone: +44 (0) 1223 323437 Fax: +44 (0) 1223 460396, E-mail: cc@conferencecontact.co.uk or visit the web site at www.nmsi.ac.uk/researchers/ticcih2000/

The **Stewart Museum Globe Symposium" Stewart Museum, Montreal,19-22 October 2000**. The Stewart Museum is organizing a symposium concentrating on early globes, to be held 19-22 October 2000. The symposium will give participants an opportunity to hear presentations by various globe experts as well as to study the 50 terrestrial and celestial globes and 70 globe-related works in the museum's exhibition of early globes, " The registration fee which will include lunches and dinners during the symposium is $285 (Canadian). The **registration deadline** is **8 September 2000**. (If space is still available after that date, the fee will be $325.) Participation will be limited to 75 persons. English will be the principal language of the symposium. In order to receive the second circular and registration form, please contact the globe symposium secretary: Nadia Hammadi -nhammadi@stewart-museum.org Stewart Museum, PO Box 1200, Station A, Montreal (Qc), H3C 2Y9, CANADA Tel: (514) 861-6703, ext. 260 / Fax: (514)284-0123

STEP meeting on ScientificTravels to be held in Lisbon between **17-21 September 2000**. STEP - Science and Technology in the European Periphery is an international research group devoted to the History of Science and Technology. Its main focus is the study of processes and models of circulation of scientific knowledge between European centres and peripheries from the 16th to the 19th century. The meeting will be held at the Calouste Gulbenkian Foundation (Lisbon) between 17 and 21 September 2000. Sessions will be devoted to historical analysis of several case-studies of scientific traveling and the historiography of scientific travels. A complete program and general information about the meeting can be obtained in our STEP web page http://www.uoa.gr/step Lisbon-leaflet.html

FELLOWSHIPS

A recently announced special **National Science Foundation** competition seems of great potential interest to those practicing history, philosophy, and social studies of science and technology. "Enhancing Infrastructure for the Social and Behavioral Sciences," was recently announced through

ormal Program Announcement issued by the NSF Director-ate for Social, Behavioral, and Economic Sciences (which houses the NSF STS Program). This competition offers upport for a wide range of activities, including those that will collect data from surveys, experiments, or administrative ecords; case or historical records; or objects of investigation archaeological items, for example) [in a form] that will support road-based investigations into the most important scientific questions facing social and behavioral science in the next decade." Information about this competition appears at http:/www.nsf.gov/sbe/ses/infra/start.htm. Proposals must be submitted to NSF by **August 4, 2000.**

ive **Mellon Postdoctoral Fellowships at the University of Pennsylvania** are available for the 2001-2002 academic ear for untenured scholars who received or will receive their h.D. between December 1992 and December 2000. Research proposals are invited in all areas of humanistic study, xcept educational curriculum-building and the performing rts, and should relate to Time, the topic for the 2001-2002 cademic year of the Penn Humanities Forum. For more iformation on the topic of Time, and for a complete application rm, please see the Forum's website http://umanities.sas.upenn.edu Completed applications and suporting materials must be received no later than **October 16, 000.** Contact information: Jennifer Conway, Associate Director, Penn Humanities Forum, University of Pennsylvania, 16 Bennett Hall Philadelphia, PA 19104-6273 Ph: 215-898-220 Fax: 215-573-2063 Email: humanities@sas.upenn.edu ellowship website:http://humanities.sas.upenn.edu

ational Humanities Center Fellowships 2001-2002.The ational Humanities Center offers 35-40 residential fellowips for advanced study in all fields of the humanities. pplicants must hold doctorate or equivalent credentials and ave a record of publication. Fellowships are for the academic ar (September through May). Scholars from any nation may ply. The average stipend is $35,000, with a few available up $50,000. The Center is in the Research Triangle Park of orth Carolina, near Chapel Hill, Durham, and Raleigh. For plication material, write to Fellowship Program, National umanities Center, Post Office Box 12256, Research Triangle rk, North Carolina 27709-2256. Applicants submit the enter's forms supported by a curriculum vitae, a 1000-word oject proposal, and three letters of recommendation. Applications and letters of recommendation must be postmarked by ctober 15, 2000. http://www.nhc.rtp.nc.us:8080 e-mail: c@ga.unc.edu

he **Fulbright Scholar Program's** annual competition for cturing and research grants in some 130 countries is open not only to college and university faculty and administrators, but also to professionals from the business community and government, as well as to artists, journalists, lawyers, independent scholars and many others. Grants are available to faculty and administrators from two-year, four-year and graduate institutions. Fulbright awards vary from two months to an academic year or longer. While foreign language skills are needed in some countries, most lecturing assignments are in English. Some 80 percent of the awards are for lecturing. Application deadlines for 2001-2002 grants are: **August 1, 2000** for Fulbright lecturing and research grants worldwide. **November 1, 2000,** for spring/summer seminars in Germany, Korea and Japan for international education and academic administrators as well as for the summer German studies seminar. For information, contact the Council for International Exchange of Scholars (CIES) at 3007 Tildent Street, Nw, Suite 5L, Washington DC 20008-3009. Tel: 202-686-7877; E-mail: apprequest@cies.iie.org. Information and applications are available through the web site: www.cies.org

The **Woodrow Wilson International Center for Scholars** announces the opening of its 2001-2002 fellowship competition. The Center annually awards approximately 21 academic year, residential fellowships to scholars and practitioners with outstanding project proposals in the social sciences and humanities on national and/or international issues/topics that intersect with questions of public policy. Fellows work from offices at the Wilson Center in Washington, D.C. where they interact with policymakers and with Wilson Center staff who are working on similar issues. Fellows are generally in residence for the entire U.S. academic year (September through May), although a few fellowships are available for shorter periods of time, with a minimum of four months. For academic applicants, eligibility is limited to the postdoctoral level and, normally, to applicants with publications beyond the Ph.D. dissertation. For other applicants, an equivalent level of professional achievement is expected. The Center welcomes applications from a broad range of scholars, including women and minorities. The application deadline is **October 1, 2000.** For further information and applications, contact the Center by e-mail fellowships@wwic.si.edu; telephone (202/691-4170), FAX (202/691-4001), or by writing to: Scholar Selection and Services Office, Woodrow Wilson, International Center for Scholars, One Woodrow Wilson Plaza, 1300 Pennsylvania Avenue, NW, Washington, DC 20004-3027. The application can also be downloaded from the Wilson Center website at:http://www.wilsoncenter.org.

EMPLOYMENT

The Department of Science & Technology Studies at Cornell University seeks an open-rank faculty member in the social, ethical and political implications of computers and

information science to develop the field of information studies in S&TS. Areas of interest include, but are not limited to, contexts for computers and information use, ethics and intellectual property rights, users and identities, gendered aspects of computers and information science, information and organizations, political implications of information management, cross-national comparisons of information science development, the history of information technology, social or cultural aspects of design of information systems, and social construction of computing technologies. Ideally one component of the candidate's teaching should be in the area of ethical, normative, or legal aspects of information technology. The position offers the candidate opportunities for extensive interaction and collaboration with Cornell's faculty in computer and information science to develop new courses and to shape Cornell's newly emergent program in that area. There will also be the opportunity to be associated with Cornell's Program in Ethics and Public Life. A tenured or tenure-track appointment will be made within the Department of Science & Technology Studies. Applicants should have a strong record of research and publication in Science & Technology Studies, or show potential for such a record. Successful applicants will be expected to teach undergraduate and graduate courses and to play an active role in graduate training. Administrative experience and potential for obtaining external research support will also be considered favorably. Candidates should submit: (a) a letter of application explaining the relation of their research and teaching interests to the position described above; (b) a curriculum vitae; (c) two examples of their written work; (d) three letters of recommendation to be sent directly to the department. Application materials should be submitted to Professor Trevor Pinch, Chair of Search Committee, Department of Science & Technology Studies, 632 Clark Hall, Cornell University, Ithaca, NY 14853. Applications will be reviewed starting **September 30, 2000.** For further information on the Department of Science & Technology Studies, consult the web page at http://www.sts.cornell.edu/CU-STS.html.

PRIZES

American Society for Environmental History seeks nominations for the best book, dissertation, and articles in environmental history published during the year 2000. Please send three copies of each submission to Lisa Mighetto, c/o HRA, 119 Pine Street, Suite 207, Seattle, WA 98101. E-mail address mighetto@hrassoc.com Deadline is **November 3, 2000,** and proofs will be accepted for books, articles, and dissertations that appear by December 31, 2000. No anthologies or edited volumes, please. Contact information: Lisa Mighetto, c/o HRA,119 Pine Street, Suite 207,Seattle, WA 98101,Email: mighetto@hrassoc.com

The **German Chemical Society** extends an international

invitation for applications for the Paul Bunge Prize 2001 of the Hans R. Jenemann Foundation, which is administered by the German Chemical Society (Gesellschaft Deutscher Chemike: and the German Bunsen Society for Physical Chemistr (Deutsche Bunsen-Gesellschaft fur Physikalische Chemie The 2001 award consists of 15.000 DM and should honc outstanding publications in German, English or French in a fields of the history of scientific instruments. Besides th scientific work, applications should also include a curriculu vitae and - if available - a list of publications of the applican. The deadline for applications is **September 30, 2000.** Appl cations for one's own work as well as proposals for honorin other persons' work can be submitted. The Advisory Board the Hans R. Jenemann Foundation will decide the priz winner. The awarding will be in 2001. Information for appl cants is available at the German Chemical Society, Publ Relations Department, P.O. Box 900440, D-60444 Frankfi am Main, phone *69/7917-325, fax *69/7917-322, E-Mi pr@gdch.de

CALLS FOR PAPERS

BSHS Postgraduate Workshop, Leeds 2001.The ne British Society for the History of Science postgraduate wor shop will be hosted by the Division of History and Philosoph of Science in the University of Leeds on the 9th and 10th January 2001 (for details of the BSHS, see www.bshs.org.ul The priority is for postgraduates from a wide range of univ sities and sub-disciplines to meet informally and discuss th common interests. The structure will be flexible, allowing i contributions ranging from 5-minute 'gobbets' for Maste level or early PhD students, to full 20-minute papers. Includ in the programme will be a reception with the staff of the H Division (see their website at www.philosophy.leeds.ac.v html/hps.htm) and a chance to sample the delights of the c of Leeds, 'Paris of the North' (see www.leeds.gov.uk/tourin tourinfo.htm). The deadline is **October 5th 2000.** For furtl information feel free to contact by e-mail one of the followir Sam Alberti [history of science] phlsa@leeds.ac.uk; Josephi Lloyd [history of medicine] phljml@leeds.ac.uk; Janet Cun [history of psychology] j.cunniff@tasc.ac.uk; Grant Fisl [philosophy of science] phlgaf@leeds.ac.uk; Phil Good [p losophy of science] phlpgag@leeds.ac.uk; Andres Bobenri [philosophy of science] phlab@leeds.ac.uk; Greg Morg [philosophy of technology] phlghm@leeds.ac.uk; Ed V Marie [sociology of science] splemf@leeds.ac.uk

12th Biennial International Conference of the Soci

for Philosophy and Technology July 9th-11th 2001, University of Aberdeen Aberdeen, Scotland. Conference Theme: "Nature and Technology" The Society for Philosophy and Technology has sponsored conferences on philosophical aspects of technology since the late 1970s. Current conferences are held every other year, rotating between North America and Europe. The Society welcomes a broad range of papers from various philosophical perspectives and schools. The next conference will focus on the growing set of epistemological, moral, social, political and conceptual problems related to the juncture of, broadly speaking, nature and technology. Historical and contemporary issues will be addressed with preference given only to the clearest analysis of the stated problem. Papers are invited on any topic relevant to the conference theme or to philosophical considerations of technology in general. Two-page (max.) abstracts should be submitted by **October 15th 2000**. Notification of abstract acceptance by February 15th 2001. Proposals for full sessions also welcome, please include abstracts for all papers to be included in sessions. All abstracts will be peer refereed and most accepted papers will be assigned a commentator. SEND ABSTRACTS TO: Andrew Light, SPT Conference International Center for Advanced Studies New York University 53 Washington Square South, Rm. 401E New York, NY 10012 Fax: 212-995-546 Or by e-mail:alight@binghamton.edu Please also include an e-mail address with your submission where you can be contacted.. If you cannot meet the October 15 deadline for abstracts contact Andrew Light to inquire about a late submission. Check the SPT website (www.spt.org) for conference updates.

Services and the Global Economy, Annual Meeting of the Business History Conference Miami, Florida April 20-22, 2001 The 2001 annual meeting of the Business History Conference will take as its theme Services and the Global Economy. They invite proposals for papers concerned with the historical evolution of all forms of business enterprise engaged in services with a special emphasis on their international dimensions. It is hoped to attract papers on the widest range of services including finance, utilities, trade, retailing, transport, advertising, tourism, entertainment and crime. Papers could explore both the enterprises and persons engaged in services and their geographical location in cities, regions or countries. Submissions are invited on all chronological periods, and papers on the role of services in Latin America, Asia and Africa are especially encouraged. Submissions on topics beyond the theme are welcome as well. All graduate students presenting papers are eligible for travel grants to defray costs associated with attending the annual meeting. Proposals may be submitted for individual papers or for entire panels. All proposals should include one page abstracts and one page CVs or resumes for all participants. Panel proposals also should have a cover letter containing a title, a one paragraph panel description, suggestions for a chair and commentator, and contact information for the panel organizer. Graduate students in the early stages of writing up their dissertations may apply for inclusion in designated workshops intended to discuss preliminary conclusions and methodologies in an informed but informal environment. Interested students should submit a one page abstract of their project and a one page CV. These proposals should indicate they are intended for the Dissertations in Progress sessions. The deadline for submission is **October 2, 2000**. Please send five copies to Roger Horowitz, Secretary-Treasurer, Business History Conference, P.O. Box 3630, Wilmington DE 19807, USA. Dissertations completed in the previous three years (1998-2000) are eligible for the conference's dissertation session. Proposals are welcome from Ph.D recipients in history, business administration, history of science and technology, economics and other fields whose work is on business history broadly defined. Presentations made at this session will be published in Enterprise & Society, the BHC journal. One dissertation will receive the Herman E. Krooss Prize for the best dissertation in business history, which includes a $500 award. Completed dissertations should be sent by October 2, 2000 to: Professor Jonathan Zeitlin, Department of History, 5213 Humanities, University of Wisconsin-Madison, Madison WI 53706. Email: jzeitlin@facstaff.wisc.edu. Address questions about proposals to Geoffrey Jones, Department of Economics, University of Reading, Whiteknights, Reading RG6 6AA, UK Email:g.g.jones@reading.ac.uk. Acceptance letters will be sent by November 30, 2000. Presenters are expected to submit abstracts of their papers in electronic form for posting on the BHC web site. Authors are also encouraged to post electronic versions of their full papers in advance of the April meeting.

Annual Meeting of the American Association for History and Computing, January 30 - February 5, 2001. Conference Theme: "Moving Clio into the New Millennium: Interaction, Visualization, Digitization, and Collaboration." The 2001 Conference will be held at the Indiana Convention Center and Indiana Historical Society in Indianapolis, IN on 30 January to 5 February, 2001. University and college instructors, K-12 teachers, librarians, publishers, editors, archivists, interpreters, students, software developers, and all other history professionals are encouraged to participate. Panel and paper proposals on any topics relating to the use of digital technologies in history are encouraged. All papers will also be considered for publication in the *Journal of the American Association of History and Computing* and in a volume of essays selected from conference sessions. Proposals may be made for either complete panels or individual papers. Multimedia presentations are especially encouraged, but participants are advised that they are responsible for providing their own laptop computers and software as needed. The conference hosts will make available LCD projectors and a limited number of live Internet connections. Suggested formats for full panels

include three 30-minute papers, four 20-minute papers, or a round table format. Other innovative format proposals will be considered. Proposals for complete panels should also include a chair. A panel may include a formal comment or question and response with the audience. All proposals must include a 200 word abstract for each paper along with a brief vita for each participant. Please be sure to indicate which member of the panel will serve as the contact person for future correspondence. Please include the name, address, telephone number, and e-mail address for each participant. Additional information about the conference and Indianapolis can be found on the associations web site:http://www.theaahc.org Deadline for Submissions: September 15, 2000 Please direct correspondence and inquires to Dennis Trinkle or Ken Dvorak at the address or e-mail provided below. Contact information: Dennis Trinkle Executive Director American Association for History and Computing Department of History Depauw University Greencastle, Indiana Email: Dennis.Trinkle@theaahc.org or Ken Dvorak Secretary/Treasurer American Association for History and Computing 17250 Logans Run Battle Creek, Michigan 49014 Email: DvorakKR@aol.com Call for Papers website: http://www.theaahc.org

Women's Studies: An Interdisciplinary Journal provides a forum for the presentation of scholarship and criticism about women, invites submissions from scholars across the disciplines, including literature, history, art, sociology, law, political science, economics, religious studies, anthropology, and the sciences. They also publish poetry, as well as film and book reviews. Send three copies of submissions (up to 25 pp. in length and conforming to current MLA guidelines) to Wendy Martin, Editor at the address below. Contact information: Wendy Martin, Editor Women's Studies: An Interdisciplinary Journal Claremont Graduate University Blaisdell House 143 East Tenth Street Claremont, CA 91711-6163

Redefining Suburban Studies; Searching for a New Paradigm will examine the evolving suburban context of American life. Papers exploring various components of the suburban experience are invited from a wide range of disciplines including the social sciences and humanities. Proposals for presentations, lecture/demonstrations, panels, round-tables and workshops are also welcomed. A letter of intent, a three to five page abstract and a curriculum vitae should be sent by **September 30, 2000**. Papers and proposals will be accepted on the basis of abstracts submitted. Acceptances will be sent by Oct. 30, 2000 The deadline for completed papers in [duplicate] is February 15, 2001. Previously published material should not be submitted. Presentation time for papers, lectures, lecture/demonstrations and workshops is limited to 20 minutes. [Papers should be limited to 8-10 typed, double-spaced pages].

Selected papers will be published. The conference will take place **March 30 and 31, 2001** at Hofstra University. Conference Co-Directors: Daniel R. Rubey Dean of Library an Information Services Tel:[516] 463-5940 E mail:libaddrr@hofstra.edu Barbara Kelly, Curator L. I. Stud ies Institute Tel: [516] 463-6409 libspbmk@hofstra.edu Conference Coordinators Deborah Lom culdsl@hofstra.edu Richard Pioreck culrjp@hofstra.edu

The XIth David Nichol Smith Eighteenth Century Studies Conference: 'The Exotic' will be held 26 - 28 Marc 2001 at the National Library, Canberra, Australia. The them of the conference is 'The Exotic'. The temporal scope is th long eighteenth century (1680s - 1830s). Proposals for pape addressing the theme of 'The Exotic' are invited from schola working in English Literature, Art History, Gender and Women Studies, History and Philosophy, Social, Economic and Cultur. History, and other relevant disciplines. Especially welcon will be papers which are (a)interdisciplinary in scope, (b) foc on the relationship between culture and the visual arts, and (▸ refer to the Australian and Pacific contexts. The conferenc invites its participants to rethink the idea, scope and influenc of the exotic in the long eighteenth century. The term 'exoti can be construed broadly. (According to Dr Johnson, encompasses anything that conjures up notions of the 'foreig or 'strange'). Papers can address topics related to the 'exoti in a non-geographical sense, as well as those which traver exoticism's more familiar associations with far-flung ge graphical, imperial and Oriental domains. Proposals for pape (of 25 minutes reading time) should consist of a 300 wo abstract. Deadline for submission is **30 November 200** Replies and further questions should be addressed to I Christa Knellwolf, Humanities Research Centre, ANU. Phon (0 2) 6 2 7 9 . 8 9 6 3 F a x : (0 2) 6 2 4 8 . 0 0 5 4 Email:Christa.Knellwolf@anu.edu.au

Georgia (USA) Political Science Association 2001 Co ference Hilton Head Island, South Carolina **February 23-2** 2001 All scholars from all disciplines worldwide are welcon to attend and participate. The deadline for submitting propos is **September 15, 2000**. Papers and proposals on all topi will be considered. Offers to serve as panel chairs a discussants are welcome. Send proposals via email csbullock@peachnet.campuscwix.net The program chair Dr. Charles Bullock Dept of Political Science, University Georgia Athens, GA 30602 USA The Georgia Politic Science Association will gather for its 2001 Annual Meeting Hilton Head Island, South Carolina, February 23-24. Followi a 2000 meeting which drew 130 panel participants from states of the Union and 17 countries, the GPSA is looki forward to a strong 2001 conference. Information about th February 2001 GPSA Conference may be found at http www.apsanet.org/PS/conferences/gpsa.cfm

₩e **First Flight Centennial Commission** invites the sub-
ssion of proposals for sessions and individual papers that
ight be presented during its international symposium on the
tory of flight, **October 22-25, 2001**, at North Carolina
₩te University in Raleigh, NC. The Commission has estab-
hed 5 major themes for the symposiums as follows: (1)
orth Carolina and the Outer Banks" circa 1900-11 while the
rights tested various craft there; (2) "Innovation in Flight"
m Wrights to the present; (3) "Civil Aviation and Policy"
m 1903 forward; (4) "Warfare and Flight" from 1903
ward; and (5) "Flight in Human Imagination," including art,
₩sic, literature and other aesthetic realms. Other topics
yond these general themes in the history of flight (including
ketry and space) are also invited for individual non-theme
sions. The Commission also welcomes session or presen-
ion proposals using innovative methods of presentation,
ibitry, live demonstrations, and rare film for a concurrent
n festival on flight. The symposium will include internation-
√ known speakers, entertainment, and tours to local centers
interest. Session and individual proposals (including speak-
, their affiliations, session titles, and brief 1 or 2 sentence
cription) should be submitted (if in hard copy) to Dr. Larry
*Tise, Symposium Director, First Flight Centennial Commis-
₩n, 4635 Mail Service Center, Raleigh, NC 27699-4635 not
r than **October 15, 2000**. E-mail inquiries and submis-
ns (but not as attachments) should be directed to Dr. Tise
tise@ibm.net. Non-program inquiries about the symposium
₩ other activities of the Commission should be directed to the
₩iling address above or to phone 919.733.2003 or fax
₩.715.8959.

₩e **Encyclopedia of Colonialism**, a 1,200-page, three-
₩ume, illustrated reference work is soliciting entry writers.
fessor Melvin E. Page is serving as General Editor of the
, which is being produced by East River Books and will be
lished by ABC-CLIO in 2001. The EoC will be a unique,
temporary, and comprehensive reference work covering
subject of colonialism and imperialism in the modern (post-
₩0) period, including significant anti-colonial movements.
sently they are soliciting statements of interest in the
₩ject and are also actively seeking contributing authors for
roximately eighty major entries as well as over 500 addi-
₩al general indexed entries. They are particularly interested
dentifying contributors who would be able to undertake
very of completed entries within relatively short deadlines,
essary to met the projected publication schedule. If would
more information, including a list of entries, please contact:
₩vin E. Page, General Editor, Encyclopedia of Colonialism,
nial@etsu.edu While electronic communications are pre-
ed and will constitute the chief means of continuing contact
a contributors, you may also write to: Melvin E. Page,
eral Editor, Encyclopedia of Colonialism, Department of
₩tory, East Tennessee State University, P. O.Box 70672,

Johnson City, TN 37614 USA

ELECTRONIC NEWS

The **Lemelson Center for the Study of Invention and
Innovation**, part of the Smithsonian National Museum of
American History has a new listserv. To sign up and receive
notices of upcoming programs by e-mail, send an e-mail
message to listserv@sivm.si.edu. Leave the subject line blank
and in the message body, write: *subscribe lemcen
YourFirstName YourLastName*. You will receive confirma-
tion of your subscription within minutes. Any problems or
questions, e-mail lemcen@nmah.si.edu.

The **Global Reproductive Health Forum** announces the
web-interface archives of the discussion list: cyber-fem. The
archives are available at: http://www.hsph.harvard.edu/rt21/
talk/frame1.html Cyber-fem is a moderated list for activists
and scholars to discuss contemporary reproductive technolo-
gies and population policies in the context of broader cultural
change. The list will draw upon current debates in feminist and
science studies to explore the impact of reproductive technolo-
gies upon the reproductive process and social life. To sub-
scribe: Send a message to: majordomo@hsphsun2.harvard.edu
with the following command in the body of your email message:
subscribe cyber-fem (Leave the subject blank.) Cyber-fem is
part of the Reproductive Technologies Web accessible at http://
/www.hsph.harvard.edu/rt21/ and is dedicated to bringing
different perspectives on contemporary developments in sci-
ence and technology on-line.

You are invited to participate in a new initiative undertaken by
the European University Institute in Florence to build up an
internet-based database concerning ongoing projects in the
fields of the **history of police, legal institutions, criminol-
ogy, and crime**. Once fully set up, the database should allow
everyone to track down scholarly initiatives in her/his fields of
interest easily and quickly; provide short abstracts of the
projects and any references to papers which have already
been published; and, finally, it will also indicate the best means
of contacting the director of the respective project. The areas
which will be included are, specifically, those of institutional,
intellectual, social, and cultural studies on crime, police, and
criminology. Visit the webpage at http://www.iue.it/HEC/
Criminology (please note the capital letters) where the exact
procedure for submitting and retrieving information is outlined
in detail. When entering a project, you will be asked for a
passcode which is 6943 .

A new history of technology web site has been launched:
Technology in Australia 1788-1988 http://
www.austehc.unimelb.edu.au/tia/ Technology in Australia
1788-1988 is a condensed history of Australian technological

innovation and adaptation during the period 1788 to 1988, and was compiled mostly by Fellows of the Australian Academy of Technological Sciences and Engineering (ATSE).

MUSEUM NEWS

The Hagley Museum and Library announces the publication of a new guide to its research collections: "The Seagram Company Ltd. and Bronfman Family." This free brochure describes the Seagram archive recently opened for research by Hagley. Previously published brochures on Hagley's research collections include: Consumer Culture: Advertising, design, & Public Relations," "American Women's History," "Business and the State," and "Industrial and Commercial Architecture". Complimentary copies of any of these brochures may be obtained by contacting the Center for the History of Business, technology, and Society, Hagley Museum and Library, PO Box 3630, Wilmington DE 19807, 302-658-2400, or email: crl@udel.edu.

Research resumes at the **Bakken Library and Museum**. The recent expansion and renovation project has resulted in improvements that have significantly enhanced library and museum storage, access, and services. Completed in 1999, the $6 million project doubled the total size of the Bakken and included the construction of two new classrooms, an education workshop, three exhibit galleries and an aquarium for electric fish. A beautiful new reading room was added to the south end of the original building, and two existing adjacent library rooms were also renovated and rearranged. Together with the new reading room, they constitute a quieter, better organized library suite that for the first time permits direct access of researchers to the entire secondary and reference collections. A photocopy machine has also been added, for more convenient duplication services. The focus of the Bakken's collections is the history of electricity and magnetism and their applications in the life sciences and medicine. Related materials include mesmerism and animal magnetism, 19th-century ephemera concerning alternative electromedical therapies, miscellaneous scientists' letters, and trade catalogues. The instruments include electrostatic generators, magneto-electric generators, induction coils, physiological instruments, recording devices, and accessories. The Bakken offers Visiting Research Fellowships for the purpose of facilitating research in its collection of over 11,000 books, journals, manuscripts, and prints, as well as more than 2,000 scientific instruments. A catalog of books and manuscripts, as well as information on research fellowships may be found on the Bakken's web site, or at no charge by contacting our Librarian. To receive information about conducting research at the Bakken, contact Elizabeth Ihrig, Librarian at, ihrig@thebakken.org. Or you may call 612-926-3878, ext. 227,

or send your request, along with your name and mailing address to: Elizabeth Ihrig, The Bakken Library and Museum, 35: Zenith Avenue South, Minneapolis, MN 55416-4623. Appoir ments are recommended in order to ensure the best service. Tl Bakken welcomes all researchers, both real and virtual!

PUBLICATIONS

Marcia-Anne Dobres' *Technology and Social Agen "Outlining a Practice Framework for Archaeology"* bi just been published by Blackwell (Oxford), in April 2000

Christopher Sellers' book *Hazards of the Job: Fr. Industrial Disease to Environmental Health Science* w published by the University of North Carolina Press.

The editors of a new reference work, **The Encyclopedia New York State**, solicit assistance in developing a mas entry list for the categories of science, medicine, technolog and the environment with particular relevance to New Y(State. Subjects could be events (as, Love Canal), institutic (Cold Spring Harbor Laboratory), people (John Torrey), invi tions (the Kodak camera), categories with elements of all the above (early aviation on Long Island). Anyone w suggestions should please contact the editor, Peter Eisensta at peisenst@mail.nysed.gov.

DIBNER INSTITUTE FELLOWS FOR 2000-200

Dibner Institute Senior, Postdoctoral, and Graduate Stud Fellows for 2000-2001 include the following:

Lindy Biggs is Associate Professor in the Department History, Auburn University, Alabama. She is the author of : *Rational Factory: Architecture, Technology, and Work America's Age of Mass Production,* (1996) and "The Enginee Factory," in *Technology and Culture,* 36 (2) April 1995. She v continue her work on a volume titled "Negotiating an Indust Order: Technology and the Problem of Child Labor, 1780-18: while she is at the Dibner Institute.

Robert Friedel, Professor in the Department of History at University of Maryland, is the author of *Zipper: an Explorat in Novelty* (1994) and, with Paul Israel, of *Edison's Elec Light: Biography of an Invention* (1986). His most rec article, currently in press, is " 'A New Metal!' Aluminum ii Nineteenth Century Context" in *Aluminum by Design.* At Dibner Institute he plans to complete a work titled "The Cul of Improvement."

Thomas Glick is Professor of History and Director of Institute of Medieval History at Boston University. His n

cent works are *Irrigation and Hydraulic Technology: Medi-al Spain and its Legacy* (1996), with J. M. Lopez Pinero, *El egaterio de Bru y el Presidente Jefferson* (1993), and *Einstein Spain: Relativity and the Recovery of Science* (1988). During s year at the Dibner Institute he will continue his project on the arwinian research activities of Fritz Muller in Brazil in the late neteenth century.

rne **Kaijser** is Professor at the Royal Institute of Technology, ockholm, Sweden. He is the editor, with P. Blomkvist, of *Den nstruerade varlden: Stora teknista system i historiskt perspektiv* 998) and the author of *Ifadrens spar: Den svenska frastrukturens historiska utveckling och framtida utmaningar* 994). At the Dibner Institute he will conduct an exploratory idy of the linking across borders of large technical systems, imarily in Europe, since the late 19th century.

kolai **Krementsov** is Senior Researcher at the St. Petersburg anch, the Institute of the History of Science and Technology. is past year he has been Senior Associate Fellow at the marque Institute, New York. He is the author of *Stalinist ience* (1997) and "The Cure: Cancer, Culture, and the Cold ar" (in press). His research project at the Dibner Institute is ed "Meeting of Minds: International Scientific Congresses in lin's Russia."

mela **O. Long**, an independent scholar, was awarded a tional Science Foundation grant, 1998 - 2000, to examine the bject, "Openness, secrecy, authorship, ownership: Studies in : practical, technical, and knowledge traditions of premodern d early modern Europe." She is the author of a forthcoming ok of the same title, to be published by Johns Hopkins iversity Press. The title of her research project at the Dibner titute is "Engineering and Exorcism in Counter-Reformation me."

bert **W. Seidel**, Professor of the History of Science and chnology, University of Minnesota, is the author of "Secret ientific Communities: Classification and Scientific Communi-ion in the DOE and DoD," in *Proceedings of the 1998 nference on the History and Heritage of Science Information tems* (1999) and "Crunching Numbers: Computers in the AEC boratories," *History and Technology* 15 (1998). While at the bner Institute he will continue his work on a manuscript tatively titled "From Lavoisier to Lewis: Chemical Engineering the West, 1775-1955."

ul **Lucier** is Research Assistant Professor in the Department Science and Technology Studies, Rensselaer Polytechnic titute. He wrote the entries, "J. Peter Lesley" and "Benjamin liman, Jr." for the forthcoming "The History of Science in the ited States: An Encyclopedia." He is the author of the article, troleum: What is it Good For?" *American Heritage of ention and Technology* 7 (1991). He will be working on a

project titled "A History of Economic Geology, 1880-1940" while at the Dibner Institute.

Elizabeth **Paris**, Lecturer in the History of Science Department, Harvard University, presented the following lectures in 1999: "The CEA Bypass: An Instrumental Narrative in Particle Physics," at the Joint Atlantic Seminar in the History of Physical Sciences, Washington, DC; and "Lord of the Rings: SLAC, CEA, the AEC, and the Fight to Build the First U.S. Electron-Positron Collider," at the Conference on Laboratory History and Sociology, Brookhaven National Laboratory, Stonybrook. For her work at the Dibner Institute she will continue her research on the development of colliding beam storage rings.

Slava **Gerovitch**, received his Ph.D. from MIT's Program in Science, Technology and Society Program. He is the author of "Striving for 'Optimal Control': Soviet Cybernetics as a 'Science of Government' " in *Cultures of Control* (2000). He has also translated into Russian Loren Graham's book, *Science in Russia and the Soviet Union*. At the Dibner Institute he will complete a book on the history of Soviet cybernetics, based on his dissertation.

Christophe **Lecuyer**, a recipient of the Ph.D. from Stanford University, is the author of the articles "MIT, Progressive Reform, and "Industrial Service," 1890-1920" and "Instrument Makers and Discipline Builders: The Case of NMR." At the Dibner, he will complete a book manuscript on the history of Silicon Valley.

Brett **Steele**, previously a lecturer in the Department of History at UCLA, is the author of the forthcoming articles, "Newtonian Science and Military 'Progress' in the Age of Enlightenment" *in Knowledge as Power: Science, Technology and Warfare in the Early Modern World* and "Rational Mechanics as Military Technology: Leonard Euler and Interior Ballistics" in *Gunpowder: History of an International Technology*, Vol. 2. His work at the Dibner Institute is two-fold: writing the monograph: "The Impact of Reason: Ballistics Theory and Artillery Practice in the Age of Enlightenment," and editing the collection of essays: *Knowledge as Power: Science, Technology and Warfare in the Early Modern World.*

Andre **Wakefield** received his Ph.D. from the University of Chicago. He is the author of the article, "Police Chemistry," in *Science and Context* (Summer 2000) and the forthcoming article, "The Cameralist Tradition in Freiberg," in *Freiberger Forschungshefte*. His project at the Dibner Institute focuses on the role of the sciences in the administrative and police institutions of central Europe during the 18th and 19th centuries, and the importance of mining for the development of chemical and geological knowledge.

DIBNER FELLOWS PROGRAMS 2001-2002

Information on applying for Dibner Fellows programs for the year 20001-2002 can be found on the web site: http://dibinst.mit.edu
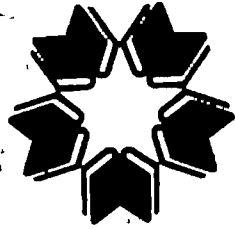
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RETAIL AND EXPORT OF HOME FURNISHINGS

a journal which seeks to reflect through free discussion, every shade of Indian thought and aspiration. Each month, a single problem is debated by writers belonging to different persuasions. Opinions expressed have ranged from janata to congress, from sarvodaya to communist to independent. And the non-political specialist too has voiced his views. way it has been possible to answer a real need of to gather the facts and ideas of this age and to help th people arrive, at a certain degree of cohesion and in facing the problems of economics, of politics, of

NEXT MONTH: EDUCATIO

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PROTECTING NATURE

a symposium on

some legal issues

concerning the environment

symposium participants

The problem

'The world we have treated as an object, has become a subject again.'

Luc Ferry, 1992

THE French philosopher Luc Ferry writes that the 18th century philosophers conceived of the social contract in order to govern relations among men. The social contract was the embodiment of a humanistic vision of the world and a humanist legal order, where nature as an object was dominated, exploited, ravaged.

The Declarations of the Rights of Man failed to endow nature with subjecthood; it would forever remain objectified at the mercy of man. If one has to give back to the earth what one has borrowed from it, there is a need of entering into a 'natural contract' with nature by replacing the humanist vision of law with a cosmic one.

The Declaration of 1789, according to Michel Serres, glossed over the world, giving man the sole status of subjecthood but this tradition has to be subverted. The law must be written for those who have none, nature must be a legal subject, the rights of man must be questioned and the animal and vegetable kingdom brought into legal and ethical consideration. Serres emphasises in *Le Contract Naturel*, '...as much as nature gives to man, man must return to nature, a new legal subject.'

Records of medieval trials show that in the pre-modern era animals were looked upon as legal subjects, viz the case when the village of Saint-Julien took legal action against a colony of weevil, or in Coire in Switzerland where the citizens took a mound of larva before their tribunal, or the case of the leeches of the lake of Berne who were given three days by the Bishop of Lausanne to vacate the infested waters. In each case the animals were provided with counsel and summoned to court during the trials. As the medieval world turned upside down, nature as legal subject disappeared into oblivion to be replaced by the anthropocentric vision of the Enlightenment

In the late 19th and early 20th centuries, laws like France's Grammont Law existed to prevent cruelty to animals, but it was the *Tierschutzgesetz* of Nazi Germany which, for the first time in history, accorded subjecthood to nature. The law of the Reich was enacted 'with a view towards protecting nature.' It states in its preamble, "The (law) would recognise the rights which animals inherently possess to be protected in and of themselves...' Much later, in 1972, Christopher D Stone argued that 'we (should) give legal rights to forest, oceans, rivers and other... natural objects in the environment... indeed to the natural environment as a whole.' While awaiting the decision of the United States Supreme Court in the Walt Disney-Sequoia National Forest matter, Stone lamented, '...if I could get the courts thinking about the park itself as a jural person... the notion of nature having rights would make a significant... difference.'

Stone goes on to say that man should be entrusted with stewardship of the earth as guardian of those who are unable to speak and voice their needs, and it is this trusteeship which is the core of the state's and society's responsibility towards nature. Most states have donned the mantle of stewardship, some more than others, but none have stated explicitly that nature or wildlife have an intrinsic right within them to a rightful existence. The laws and policies, however, have been more and more informed towards a position as if nature had a right. This is the legacy of the 20th century ecology movement.

Environmental law in India traverses back and forth between the triple domains of use, regulation and conservation, between the rights of nature and the rights of man, at once contradictory and asymmetrical. It is a composite bundle comprising a miscellaneous assortment of laws, both statutory as well as that which emerges from the court, the combined efforts of legislative and judicial acumen. Laws governing the conservation and use of natural resources in India involve multiple domains of concern – from water, air, forests, wildlife, hazardous substances and pollution to issues of land use, industry, mining, irrigation, town-planning, energy, agriculture, waste, health and intellectual property rights. They concern wetlands and wastelands, the protection of fragile coastal areas, monitoring the purity of water and air and, fundamentally, the traditional rights of the local communities and the continuation of cultures. In this vast legal gridiron,

conservation laws form but a miniscule cluster of acts, rules and notifications, but having a far-reaching impact upon the lives and livelihood of the people dependant upon these resources.

The statutory regime is overlapping, an admixture of colonial economistic legacy and post-Rio ecological consciousness. An apt illustration would be, on the one hand, the forest laws constituting the timber extracting Indian Forest Act, 1927 and, on the other, the biodiversity conscious Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972. In the interim are numerous state legislations, the various rules governing the transit and felling of timber, grazing and non-statutory notifications relating to joint forest management and coastal regulation zone.

Intrinsically, the regime entwines with laws relating to the acquisition of land – the omnipotent Land (Acquisition) Act, 1894, the numerous land revenue codes and tenancy laws. It encompasses laws empowering local institutions to own, govern and manage natural resources within their jurisdiction, such as the 73rd and the 74th Amendments to the Constitution of India and the Panchayat (Extension of Scheduled Areas) Act, 1996 which attempts to herald a statutory regime for tribal self rule.

To this must be added the constitutional provisions protecting the natural, economic and cultural rights of the tribal communities who form the most ancient of forest dwelling and dependent societies. Above all it binds the *polis* and the *civitas* in a communion to protect and improve the natural environment and to safeguard its forests, lakes, rivers and wildlife, advocating an almost Gandhian compassion towards fellow living beings.

The conservation-use axis is intersected and refracted twice, with the development activities of the state and industrialists and with the traditional dependence of forest dwellers. The duplicity in state policy is partially reflected in the laws and in their implementation Environmental degradation, including species depletion, is caused by industrial and commercial intrusion in natural habitats. This includes mining activity, constructions such as jetties, large roads, bridges, tourist resorts, factories and refineries. large

mechanised trawlers and other infrastructures for aquaculture, plantations and farm forestry and the nefarious operations of poachers, timber traders, contractors and middlemen. Ironically, they bypass or obtain clearance under the Forest Conservation Act, which disallows 'non-forest' or unecological activities in environmentally fragile areas without permission from the central government.

Forestry projects have been launched in several parts of India and are claimed by many to be nothing but logging and agroforestry operations disguised as biodiversity conservation. In order to facilitate these activities the law is not only manipulated but reversed, as large tracts of protected natural habitats are denotified to release them from the legal fold for the plundering of natural wealth. This trend of denotification has rapidly proliferated in recent times, with the necessary state backing, to facilitate mines, tourist resorts, golf courses, hydel power projects and factories and has now assumed such proportions as to constitute a major legal problem for the environment.

Conservation of nature in Indian law is read as being antithetical to people; the state seeks to evict/relocate local communities and their large herds of domestic animals from the precincts of wildlife in order to create 'inviolate' areas of protection. However, the 'biotic' pressure on natural resources stems from city dwellers in their multifarious needs of modern, urban sophistication in which they are willy-nilly ensnared. The urban population does not pay the price but expects those dependant upon the forest to bear the burden of their needs by giving up their life, their homes, the disintegration of their culture – in short, alienation from the very world wherein they have evolved. This raises the moral question of denying developmental benefits to the impoverished, hardworking tribal communities, though some opine that the choice be left open to the concerned society. The complexity of the question – between the protection of the rights of the environment and the rights of the people – is reflected in the existence of both these rights, and between the rights of the environment and the rights of the state to develop and propagate industrial and commercial embryos amid natural splendour and diversity.

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Such variegated and complex legal structures prevail in the other natural resource law regimes as well. Water, air and land laws enjoy separate and overlapping legal regimes constituting statutes, case law, government notifications, circulars and orders. Water law, for instance, encompasses laws governing rivers, groundwater, tanks, irrigation, riparian rights, water harvesting structures such as dams, and the use and accessibility to such structures as well as the quality of the water itself. If the natural habitat and biodiversity are sought to be conserved, the law has to monitor, control and regulate the use and abuse of water and air in order to maintain its purity. Therein too, the debate between development and environment and the state's propensity to compromise has been brought to the fore. The polluter has been brought to the gallows only by the harsh admonition of the court.

It is to the court that the society has turned, at first hesitatingly and now expectantly, as a last recourse of salvation, to retrieve and to hold the last vestiges of nature. The court has, in the past few years, increasingly constructed the 'real' environmental statute from the legal 'text', repairing, improving, correcting existing laws and creating new ones in areas where hitherto it has been silent. The power to declare law carries within it the power and the duty to make law where none exists. The French Code Civil holds a judge who refuses to give judgement under the pretext of silence, obscurity or inadequacy of the law, as 'guilty of a denial of justice.' It is said, 'it matters how judges decide cases;' for the environment it has certainly mattered and the 'law has often become what judges say it is' (Dworkin 1986). The judge as legislator has not only redeemed existing environmental law and created new ones but has also put appropriate acontextual meanings to statutes. He has adhered to the mores of the times, manoeuvring the law to recognise the values of deep ecology in the intrinsic values of nature inherent in itself.

To this twinning of parliamentary and judicial law, one must juxtapose people's law, prevalent over centuries as customary practices, norms and rituals. Thus environmental law forms a triptych, influencing and informing each other simultaneously. It is argued that the uncoded non-modern demesne of environmental law is more ecological, more intrinsically conservationist. While it is apparent that state policy is dual and ambiguous in its dealings with environment and development, more often bending towards commercial expansion; it is obvious that immoral monetary exchanges have greatly influenced the course of legal retribution.

The court too has often not looked at this conflict directly and skirted the dilemma by following the path of tortious redemption such as compensation. The environment-development debate has not been enacted fully in the judicial theatre, wherein the choice is a moral one as to what kind of development is it that we are seeking. As for the philosophical question of man-in-nature/nature-without-man, the statutory regime is cleverly silent, leaving it to judges to attribute acontextual meanings. Unlike the courts of other Commonwealth countries like Canada, Australia and New Zealand, customary law is yet to be accepted as part of modern legal discourse in India.

Beyond the development debate, the question of environment falls within the larger rubric of the enterprise of modernity, especially the enterprise of modern science. It is positivist science's ultimate dream not only to dominate and rape nature but also to perfect it. Conservation, therefore, is entwined with larger issues of science and the relationship between man and nature. Cultures thus cannot be sustained by simply adopting languages of rights, which can serve only as a language of resistance and negotiation, albeit a powerful one. Nor can they be made equitable by sharing monetary benefits, which are at best palliatives to contain the 'other'. One must either seek multiple spaces where cultures can co-exist or forcibly break the barrier and create a new grammar.

Law, insofar recognized as a regime builder, has the power to introduce new grammars and initiate changes, as can science. Legal discourse thus cannot limit itself to reform but has to rewrite history. The last four hundred years is but a parenthesis in the history of man, where man and nature were separated and man was attributed with a moral and legal status. The time is now appropriate for conferring legal status to non-human life (Ferry 1995) and resolving the tensions therein.

SARBANI SARKAR

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The wealth of nations revisited

RAJEEV DHAVAN

INDIAN law has always been more concerned with property rights than the environment, the exploitation of natural resources than their conservation, and the ruthless appropriation of natural spoils than with evolving a common understanding of the totality of the inheritance of nature. Perhaps this indictment is over-written and does disservice to the many *slokas* of ancient wisdom which revere nature, or the *sastric* and other invocations which placed many common resources within the custody of community and state.

In the year 1900 India had a human population of 238 odd million, distributed over some of the greenest valleys, the most enchanting forests, the most exotic mountains and glaciers, the most impressive cycle of seasons and climates, and the most diverse and exciting biodiversity and flora and fauna to be found in the world. Over the millennia, agriculture had made its dent but without the rapacious onslaught of technology – leaving nature's capacity for renewal intact for a people who lived with, and not against, nature. The task of preservation amongst plenitude was relatively simpler, even amidst complex land systems and the ravages of time, war and circumstance.

If British laws in India initiated protective – albeit malleable – legal regimes for forests, they did so for their own mixed purposes, with a shrewd sense of the needs of Empire. The 19th century was the 'century of progress', just as the 20th century became 'the century of change and development'. Nineteenth century laws were geared to facilitate 'progress'; the laws of the 20th century surrendered the earth and all its resources to development, and mercilessly ignored the multiple impact of such exploitation on nature.

The instrumental vision of law and development designated to transform India into a modern society can be traced to Nehru's schemes for planned development to change India. The schemes of agrarian reform were concerned with redistributing land (inequitably amongst the well-off) and not with preserving it as a natural resource. Industrialization was given priority. Dams became the temples of a new India. Forests were a resource for timber. Minerals were to be exploited under a new dispensation. From 1970 or so, the Union government began to take control over

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various natural resource regimes, amending the Constitution in 1976 to strengthen its command over forests and the environment, and provide a justification for regulatory control to maldistribute nature's resources to exploiters whilst reserving a portion of the spoils for greedy officials and ministers.

Even a cursory examination of a few of the cases that I have been involved in, canvas the admixture of ineptitude and corruption which has infiltrated environmental law and policy. In Rajasthan, the government permitted marble and other mining in the protected forests and tiger sanctuary in Sariska. In Gujarat, the powerful, and in my view environmentally unscrupulous, Sanghi conglomerate was allowed to build a cement plant and pipeline through the coastal zone, two reserved forests, several other forest areas and a sanctuary. The Narayan Sarovar sanctuary was especially and arbitrarily reduced to accommodate their claims. In Uttar Pradesh, the Tehri dam is being constructed on a seismically sensitive area with questionable hydrological tests.

Narmada tells its own story of doom. Historically and environmentally sensitive parts of India are to be drowned so that other parts can get the benefit of less than cost-effective power generation. In Sikkim, a 30 megawatt project was to be built in the holiest spot of Sikkimese Buddhism over the Rathong Chu river where the sacred century old Bhumchu ceremony is performed so that those involved in, or party to, the construction could make a lot of money. In the Pench sanctuary case, poor tribals were deprived of fishing rights as rival environmental groups fought over policy. In the Nagarhole forest and sanctuary, Tatas were permitted to start a hotel disguised as a hunting lodge. In Arunachal Pradesh and other states, timber merchants from Calcutta and elsewhere wreaked concessions from state governments to reduce the forest cover.

In Karnataka, factories belonging to Birla and others were permitted to pollute waters of once ecologically sound life support streams and rivers. The coastal zones of Kerala and Orissa were permitted development by the sea, with the state of Andhra permitting an ammonia based fertilizer plant close to the shining blue waters of the Bay of Bengal.

I remain baffled – and have expressed my dismay and surprise – that my friend, the distinguished and courageous Anil Agarwal of the Centre for Science and Environment, approved Sanghi's jetty in the creeks leading to the Arabian sea without examining the totality of the circumstances – even if the limited decision concerning the head of the jetty may have been technically correct. What persuaded the ambitious M.C. Mehta – an environmental lawyer who has won many awards – to side with the property owners next to the chemical industry in Bombay to pose a Bhopal kind of threat that did not exist? Why was the Okhla industrial area of Delhi permitted 'H' category polluting industries which should not have been there in the first place? In the Yamuna case, it is clear that the river at Delhi has become a sewer which is contaminating the aquifers leading to the ground water supply.

After agriculture, building is the second largest economic activity in India. Every project yields money for the contractor, the builder, the designer, the obliging bureaucrat and politician. An abandoned project is even more lucrative – the ill-gotten gains of money are reaped by all and sundry without any obligation to show results. In one case, polluted and expensive zinc wastes were allowed to be imported when they should not have been. Environmental planning is no longer possible in any city in India as property predators destroy each scheme with impunity with the connivance of 'willing-to-be-bribed officials.' Few industries follow pollution norms. The irreplaceable losses of biodiversity are irretrievable. The towns breed disease and rural areas suffer pollution and despoliation. All this is only the dramatic tip of the iceberg, a small sample of some of the struggles I have been privileged to be associated with as a lawyer.

How does one devise a framework to take preventive, precautionary and remedial action? A vicious circle is created. Without a regulatory framework, there is no control. An apparatus of regulatory control invites not just compromises but also corruption. If the economic activity generated by environmentally illegal activity is stopped, the mal-effects of such cessation do not just directly affect commercial interests but the economic regeneration of the area, the jobs of workers and the sustenance of many linked activities. Workers and industry unite to support environmental despoliation. The irreversible rapacious exploitation of natural resources is defended in the name of poverty alleviation, progress and development. One public interest is placed in a false polarity and pitted against another.

How is this cycle of short sighted development to be broken so as to preserve unrenewable natural resources and ensure that the renewable resources of the world are part of sustainable development; and, that too, amidst a host of biotic pressures from a demographic increase which has quadrupled over the 20th century?

The social forces operating against the environment are strong enough to ignore, manipulate or corrupt virtually any system of control or regulation. Post-Independence, Indian law has proceeded on a magic wand theory of naive instrumentalism. The theory is premised on four assumptions. First, the 'law' is a 'magic wand' which simply has to be enacted to instrument social change. Second, if the instrumenting magic wand of the law does not work, a Magic Wand II will be inbuilt into the law so that regulatory bureaucracies and frameworks will ensure oversight and compliance. Third, Magic Wand III seeks to criminalize impermissible activities to impose penalties, fines or imprisonment which, in the cases of corporate polluters, hardly ever affects or troubles the real person incharge. In the evocative phrase of an American jurist who has studied corporate criminality, the large corporation has 'no soul to damn, no body to kick.'

In the fourth place follows Magic Wand IV in the form of the 'gap' theory which sports the dangerous and subversive defence that the laws are all right. What is missing is the right kind of effort to cross the 'gap' between the 'law' and social reality. These four Magic Wands, which have become part of standard Indian thinking about inducing change, were part of an Anglo-American 'law and development' package. Though treated as outmoded elsewhere in the world, commitment to this 'package' has sur-vived in India as it suits a political discourse which thrives on a diet of false promises.

The 'magic wands' of the law relating to the environment have been far from insightful and doomed to entropic decay. Ambivalent laws (Magic Wand I), weak regulatory frameworks and processes (Magic Wand II), ineffective criminalization of deviation (Magic Wand III), and half-hearted attempts to cross the 'gap' between 'law' and said reality (Magic Wand IV) are not an aberration, but built into the law itself. A study of environmental legislation reveals much of what we already know about the law.

Five important features of modern law are to be noted: (i) 'Modern' law is overtly political. Law is an institutionalized expression of political forces. (ii) Although the 'form' of law portrays it as objective and universal, all 'laws' disguise compromises, loopholes, empowerments and subterfuge which, more often than not, make unconscionable concessions to the socially, economically and politically powerful without losing their facade of objectivity. (iii) Laws designed to facilitate and bring about change are not a self-fulfilling prophecy, but often status quoist or even obstructive and inimical to social change. (iv) The laws ostensibly designed to instrument change create administrative nabobs, rajahs and maharajas interested in pursuing their own ends and interests. Such colonial models of regulation do not yield to democratic

sensitivity. (v) However, in order to preserve its objectivity, the law in general, and various laws in particular, are often indeterminate and double-edged, making at least some laws the possible site of struggle by the socially concerned and disadvantaged.

Environmental laws and policies are riddled with loopholes. Broadly divided to cover both 'conservatory' and 'pollutionary' effects, the strategy of environment laws is to demarcate (a) areas and activities which require regulation and (b) regimes of permissions and prohibitions in respect to these areas and activities.

The Forest Act of 1927 (on which most 'state' forest acts are modelled) targets the creation of 'reserve', 'protected', and 'village' forests. The Forest Conservation Act of 1980 places the Union government in a commanding position to refuse 'permission' for non-forest activity in all forest areas. The Wild Life Protection Act 1971 enables creating 'sanctuaries' and 'national parks' and the protection of various species of flora and fauna. The Water Pollution (1974) and Air Pollution (1981) Act deal with permissible and prohibited activities. None of these really take a holistic look at the environment. In a sense, this was attempted by the Environment Protection Act 1986 which entrusted an overall coordination function to the Union government. But, apart from occasions when it has been prodded to do so by the courts, the Union government has tended to look at environmental questions in a piecemeal way, often conceding to powerful social and economic interests patronized by the officers and regime in power.

These relatively 'new' legislative provisions, which are already outmoded in their design and mired in bureaucratic ineptitude, run alongside 'common law' remedies which,

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Diagram to Show the Staccato Approach of the Law to Environment

		Regimes of Control	
		Permission	Prohibition
Target for Regulatory Control	Activities		
	Protected Areas		
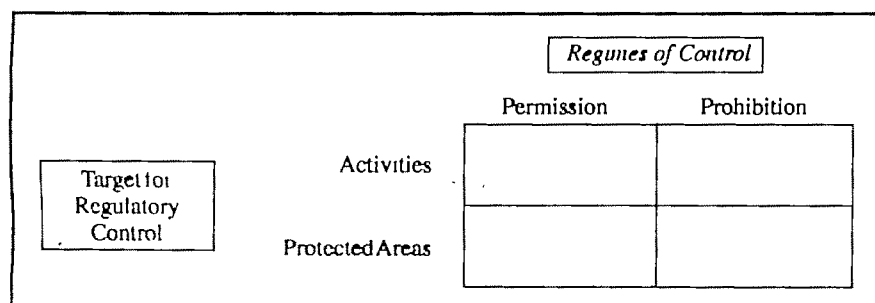
amongst others, consist of the torts of trespass, negligence, nuisance, the strict liability law of the escape of dangerous things (known as the rule in Rylands v. Fletcher), various statutory 'solutions' as well as criminal law remedies in relation to nuisance and preventive action by the magistracy. It is well-known that tort litigation in India has all but failed. Even after a special enactment and the payment of money under a Supreme Court settlement in the Bhopal case, the victims have still not received the compensation due to them. The criminal procedures relating to the environment are hardly mobilized despite Justice Krishna Iyer's stirring judgment in the Ratlam case (1980). The huge apparatus created by the new legislation has produced some good officers and well meaning statements of policy, but few results other than an overall failure of perspective and a disquieting lack of tenacity to deal firmly environmental despoliation and degradation.

Around the 1980s, once the Supreme Court had developed a new public interest litigation to tackle matters of public importance which were otherwise neglected, it was ineluctably drawn into issues concerning the environment. The Supreme Court had reached its nadir during the Emergency (1975-77) when it declined to interfere even with arbitrary, high-handed or malafide detentions without trial. Using the vehicle of public interest litigation to espouse virtually all or any public cause, it restored its reputation by helping the disadvantaged and taking on unchampioned causes.

A preparatory juristic platform to enable this judicial activism was created by expanding the 'life and liberty' provisions of the Fundamental Rights chapter of the Constitution to include a wide conspectus of rights including education, health, welfare and the environment. Public interest law enabled (*i*) any genuine public spirited citizen or body to file a petition; (*ii*) the appointment of special commissions to determine facts and propose solutions; and (*iii*) schematic remedies – other than the usual remedies of damages, simple orders and positive or negative injunctions – to ensure wider solutions, with continuing oversight by the courts.

The very first major environment case concerning mining in the Mussorie Hills (1982) established the case for court intervention, but simultaneously presented the confrontation of interests between industry, workers, development, greed, virtue and the environment. This litigation, which stretched over many years, eventually resulted in compromise solutions in which some mining was permitted whilst at the same time giving a notionally decisive edge to the environmental interest. In the many cases that followed, the Supreme Court was persuaded to follow the regimes of permissions and prohibitions presented by statute, without using too much of its imagination. Justice Jeevan Reddy's judgments in the Sariska mining case (1995) are a characteristic response. The court spoke strongly about the environment but stayed within the official statutory regimes without expanding judicial horizons in an overtly creative direction.

It was not till the advent of Justice Kuldip Singh that the court went out of its way to evolve recognized principles of environmental jurisprudence and ensure that schemes ordered under the aegis of court orders were effectively implemented. Justice Kuldip Singh clearly went over the top. He tackled a huge number of issues – the coastal zone, Taj Mahal, forestry, pollution in Delhi, the cleansing of the Yamuna and Ganges, garbage disposal, the relocation of industries and many others, with a brusque no-nonsense approach to produce results – often with inadequate due process against the patently wrong persons. Many matters decided by him are being reconsidered by special benches of the Supreme Court years after his retirement. Yet his enthusiasm infected his colleagues who too dealt with environmental issues such as those concerning forests and vehicular pollution with a dramatic but qualified ardour. The results have been positive but clumsy – setting examples but not necessarily securing the basis for an ongoing intervention in such matters.

Yet it must not be thought that the courts have acted wholly in an ad hoc manner. It is possible to discern several principles from the courts judgments. Principle I: The precautionary principle to prevent threats to the environment and take positive and timely steps to further its conservation. Principle II: The polluter pays principle which serves as warning and threat, but which must not be taken to be lexically prior to the precautionary principle so as to give a polluter an option to pollute, pay for the malconsequences of his actions and still retain the benefits and consequential unjust enrichment of his ill-gotten gains. Principle III: The trusteeship principle which creates a constitutionally ordained public trust in the courts, government and people to conserve the environment. Principle IV: Principle of the protection of biodiversity as a precious and irreplaceable resource and gift of nature.

Principle V: Principle of fulfilment of international obligations as reflected in international agreements and general principles of international law, policy and concern and as part

of the obligations owed to all peoples throughout the world. Principle VI: The inter-generational equity principle which requires taking a longitudinal view so that the trusteeships acquire a temporal quality to ensure that public trust to conserve the environment is handed over from generation to generation in good faith. Principle VII: The principle of sustainable development and ecological priority to monitor the use of resources in ways that guarantee renewal and conservation in which lexical priority is given to ecology and not its abuse. These seven principles have to be read together and individuated for application to facts and circumstances as they arise.

But, it is precisely the reading together of the principles which has provided room for predatory manoeuvre and judicial reticence. For, although the courts have blazed a constitutional trail of concern, the 'follow through' does not elude uncertainty. Since all the principles have to be balanced, too much is left to chance. Confronted with claims of progress and development, the judges either refrain from too much activism or surrender to the views of government or experts who, in turn, look for and propose compromises. Judges have become self conscious of the criticism that they are taking over governance, and have devised the defensive formula that their game plan is not to run the administration but to ensure that the administration runs according to rule of law as manifested by the prescribed rules and statutory regimes enacted by the legislature.

Nobody quite believes the judges when they take the defensive stand that they are doing no more than ensuring compliance of the rule of law. Judges have entered into certain environment issues, such as those related

to forests and vehicular pollution, with a self-declared and evangelical self-motivation, but stepped back on other issues concerning dams and industrial pollution. If the future of India's environmental jurisprudence consists of doing no more than remanding matters to the authorities or experts to decide according to law, then little has been achieved in the last two fertile decades of the 20th century in which the Indian Supreme Court tried to elevate the protection and preservation of the environment to the status of a primary constitutional goal.

The more recent judicial trends are a retreat, a step back, a return to an environmentally subversive status quo, and an abdication in favour of the authorities to virtually do what they please under conditions of light judicial supervision. As the century gives way to the millennium, this abdicatory retreat must be arrested; clearly more exacting principles of environmental jurisprudence need to be developed.

But, although this goes beyond the scope of this skeletal overview, there are major issues that loom on the international horizon. With the advent of the World Trade Organisation (WTO), the unipolar appropriation of the United Nations, the Post-Rio 1992 follow-through to the Conventions on Biodiversity and Climate Change, the Kyoto Protocol of 1997 and the inclusion of environmental issues as part of the global trade and other regimes, many issues concerning the environment are going to be decided globally. World governance by treaty is upon us. But issues of world governance cannot be left to our rulers. Democratic participation has to be built into global governance and treaty-making so that global environmental decisions do not elude democracy to become a conspiracy between powerful nations and conglomerates.

Till not too long ago, the wealth of nations was counted in terms of money, the gross national product and some intimations of distributive justice amongst the nation's human beings. But, the real wealth of nations remains the natural resources of the world. Corporate forces will seek to exploit these natural resources and commoditize them for 'productive' use and human development. But, human development cannot be independent of nature of which we are a part. It is not government legislation or bureaucratic interventions that will save the resources of the world.

The real custodians of the earth are those who have a continuing interest in living in tune with nature and in replenishing its resources. Even though such persons are pitted against powerful forces in society, it is to these real custodians of the earth to whom we must turn to struggle for the environment against its continuing predation.

'Law', legal and administrative processes and the courts cannot tilt the balance in favour of the environment without deriving strength and direction from the social struggle over the environment. Such struggles cannot alter the balance of power in society but they can confront those in power with the need for examining alternatives. The law cannot obliterate greed or prevent the despoliation of the environment, but it can mitigate that greed and discipline, the uses and abuses of natural resources. The law will not necessarily fulfill even its own stated prescriptions about what needs to be done, but it can move some way towards achieving their fulfilment. It is a possible site for activists, the media and the people to locate their struggles. It is on the results of these struggles that the natural future of the world depends.

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Rights and duties

RAJ PANJWANI

THE current discourse on conservation seems trapped in an either/frame with every action deemed either anti-people or pro-wildlife. This article attempts to break out of this impasse by seeking a middle ground between the needs of the numerous species, including humans, and their life and habitat. 'Life', in this context, goes beyond survival, viz., in solitary confinement or a zoo and incorporates within its ambit air, water, forest, undisturbed existence, and so on. Overall thus, it pleads that a balance must be found in the context of each individual's duty and right to environment.

Article 51A of the Constitution merely reiterates our obligations towards society in the form of duties. One of our duties is to protect the environment, with compassion towards all forms of life. The individual's duty per se remains hollow without the means to discharge it. It is society, as a collective, which must provide the means for every individual to discharge his/her duty.

Let's take the example of a person who lives on the street. Either such a person should have access to a public toilet or else he would be compelled to defecate on the street. It is easier to say that it is his duty not to soil the environment, but the fact is that he has to soil somewhere if this essential amenity is not provided. On the other hand, it is the right of residents to live in a clean environment. But would the residents, in the exercise of their rights, be justified in jettisoning that person from their street to another street or another part of the town, or a new town?

The fact is that such a person, wherever located, would infringe on somebody else's rights. It is the state, in other words society, which has to ensure that proper facilities are made available to enable an individual to discharge his duty. But it is single individuals who, when put together with others, constitute society. Thus, it is the duty of citizens, who seek to enforce their rights to a clean environment, to simultaneously ensure the existence of factors which would enable every individual in society to discharge his duty towards the environment.

The right to life and habitat and ones corresponding duty to protect it, is universal but limited, within the domain of the human species. The problem is that there is no such corresponding right to life and habitat acknowledged for other existing species. Hence, in the absence of such rights we are left only with duties of the human species towards the other species. Therefore, anyone who seeks to protect wildlife or its habitat is not exercising his right, but acting in furtherance of his duties, though on occasion, when pursued vigorously by an individual or a group, it is erro-

neously labelled as a right. Even under ancient Roman law, no individual had rights over any wild animal which was free and alive. The right if any, over the animal, came into existence only if it had been killed or taken in captivity.

In consonance with this principle, the Wildlife Protection Act does not hold wild animals to be the property of the state. What it does declare, however, is that the carcass of any wild animal or an animal taken in captivity, would be the property of the state. The legal position in the United States of America on proprietary rights over wild animals is quite different. The U.S. Supreme Court, in the case of Gear v. State of Connecticut (40 Law. Ed.793), expressed the view that, 'We take it to be the correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state, as the representative and for the benefit of all its people in common.'

In Corpus Juris Secundum (volume III, 1087) it is stated that, 'the wild animals at large within its borders are owned by the state in its sovereign as distinguished from its proprietary capacity and neither such animals nor any part thereof are subject to private ownership except in so far as the state may choose to make them so.' In American Jurisprudence (volume II, 694), the following passage occurs: 'In the United States the ownership of wild animals and fish not reduced to actual possession by private person is in the People of the State in their collective sovereign capacity, or in the state as representing all the people.' Thus, the legal position in the U.S. appears to be somewhat different from that in India.

The policy and object of wildlife laws have a long history and are the result of an increasing awareness of the compelling need to restore the

serious ecological imbalances created by the depredations inflicted on nature by man.

In time, the earliest codified laws can be traced to the third century B.C. when king Ashoka made a law in the matter of preservation of wildlife and environment. Towards the end of his reign he wrote: 'Twenty-six years after my coronation, I declared that the following animals were not to be killed: parrots, mynas, ruddy geese, the nandimukha, cranes, bats, queen ants, terrapins, boneless fish, rhinoceroses... and all quadrupeds which are not useful or edible... Forests must not be burnt.'

After this there appears to be long gap in respect of codified laws or decrees pertaining to protecting wildlife. However, it cannot be assumed that there were no other decrees in any of the various kingdoms in India.

The first codified law in India which heralded the era of laws for protection of wildlife was enacted by the British and was titled the Wild Birds Protection Act No. X of 1887. This act enabled the government to frame rules prohibiting the possession or sale of any kind of specified wild bird which had been killed or taken during the breeding season. In other words, the act prohibited the sale or possession, but not killing, of any of the specified wild birds only during the breeding season. Further, the act was limited to only those areas which came under the control and supervision of municipalities and cantonments and was not applicable nor enforceable in any other territories.

The Act of 1887 did not prohibit nor control the large scale and unwarranted killing of a large variety of wild animals and birds throughout British India. Consequently, due to the unregulated wholesale slaughtering of birds and animals, certain species

were threatened with extinction. In 1912, the government passed the Wild Birds and Animals Protection Act VIII as the Act of 1887 proved to be inadequate.

The 1912 Act, in Section 3, laid down that, 'The Provincial Government may by notification in the official Gazette declare the whole year or any part thereof to be a close time throughout the whole or any part of its territories for any kind of wild bird or animals to which this Act applies... and that it shall be unlawful to capture or kill or sell or buy or posses any such wild bird or animals.' Section 4 of the act made the contravention of Section 3 punishable with fine of Rs 50 for the first offence and in case of a second offence by the same person, the fine could extend to Rs 100 and/or imprisonment upto one month. The schedule to the act listing the birds and animals which could not be killed or captured consisted of antelopes, asses, bison, buffaloes, deer, gazelles, goats, hares, oxen, rhinoceroses, sheep and 16 species of birds.

It was the 1912 Act which for the first time codified laws prohibiting the killing or capturing of wild animals and birds and disobedience of this mandate was made a penal offence. Its object was definitely laudable as it was made applicable to the whole of British India but the wild animals which were sought to be protected were the very animals which were killed for food by many in the countryside. The big wild animals like the elephant, lion, tiger, leopard, bear, and crocodiles which were by and large killed by the 'haves', mainly for trophies, were exempted as such animals were considered of no use either to mankind or the environment.

The 1912 Act was amended to **21** the Wild Birds and Animals Protection Act XXVII of 1935. By this amend-

ment, Section 11 was inserted in the main Act of 1912. This section provided that the provincial government could by notification declare any area to be a sanctuary for birds or animals and made it unlawful for anyone to kill or capture birds or animals within that area at any time. Further, the contravention of Section 11 was made punishable with a fine upto Rs 50. The schedule was also amended and a large number of birds and animals were incorporated therein. But even the amendment to the Act of 1935 was insufficient, for it allowed the hunting of a large number of wild animals which did not figure in the schedule in areas other than sanctuaries.

On 2 August 1935, the Government of India Act was enacted. It provided for distribution of legislative powers between the federal and provincial legislatures. Section 100 of the act enjoined the federal list I in the seventh schedule, the provincial legislature in respect of the entries in the state list II, and both the federal and the provincial legislature pertaining to entries in the concurrent list III. The entry concerning 'Protection of Wild Birds and Wild Animals' was placed in the state list, entrusting thereby the protection of wildlife to the provincial legislatures. Consequently, wildlife laws varied from state to state and there was no concerted planning or effort at the all India level, to the detriment of wildlife.

It was not till the late 1960s that concern for a fast depleting wildlife was finally aroused. In September 1972, the Parliament passed the Wildlife (Protection) Act. The rationale for the act was eloquently stated in its statement of objects and reasons. But unfortunately, even the 1972 Act under Section 9, permitted hunting, though with a licence, for the purpose of (a) special game, (b) big game

(c) small game, and (d) wild animal trapping. Under the circumstances poaching continued on a large scale as the trade in trophies and animal articles was not completely restricted.

In 1976 wildlife in India finally got its due place and recognition under the Constitution. The Parliament passed the Constitution (42nd Amendment) Act, 1976 and inserted Article 48A (wef 3.1.1977) in Part IV which contains the Directive Principle of State Policy. Article 48A reads: 'The State shall endeavour to protect and improve the environment and to safeguard and forests and wild life of the country.' The Parliament by the said Amendment Act of 1976 also incorporated a new chapter – Part IVA specifying the fundamental duties of the citizens of India. The newly incorporated Article 51A sub-clause (g) states that, 'It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.'

By the same Constitutional Amendment Act of 1976, entry no. 20 appearing in the state list II pertaining to the protection of wild animals and birds, was transferred to the concurrent list II and renumbered as entry no. 17B. The effect of this transfer of the entry from the state list to concurrent list was that now both Parliament as well as state legislatures could pass laws for protection of wild animals and birds, and in the event of a conflict, the central law was to prevail. This amendment had far reaching repercussions as Parliament could now pass laws which were uniform across the country. The centre could now effectively supervise the functioning of the chief wildlife warden of the state and provide necessary funds and lay down policies for a uniform implementation of the provi-

sions of the Wildlife (Protection) Act, 1972.

In 1982, by Amendment Act 23, the Wildlife (Protection) Act, 1972, Section 11 was amended to permit capture and translocation of wild animals for scientific management or for instruction in alternative suitable habitat of endangered species. Section 44 which relates to the grant of licenses for carrying on business in trophies and animal articles was also amended.

In 1986, through Amendment Act 28, which came into force on 20 November 1986, a major step was taken for the protection of wildlife to enforce the provisions of CITES under Article 253 of the Constitution and a new Chapter V-A was inserted in the Wildlife (Protection) Act. A complete prohibition of trade or commerce in trophies, animal article, etc., derived from scheduled animals, was imposed. Despite the best intentions of Parliament to put an embargo on all trading activity in animal articles – fur, ivory and so on – the traders ensured that the rigours of this amendment were nullified. They fielded a number of writ petitions challenging Amendment 28 of 1986 in the High Court of Delhi. On 23 January 1986 the traders succeeded in staying the operation of the newly amended Chapter V-A. Subsequently, the World Wide Fund for Nature intervened and despite stiff opposition from the traders succeeded in getting the stay order vacated on 22 May 1992.

In October 1991, the Wildlife (Protection), 1972 was yet again amended by Amendment Act 44. This was a historic amendment in the history of wildlife laws as the Parliament inserted yet another new Chapter III-A to provide protection to specified plants. The commercial exploitation of plants had brought many species on

the verge of extinction. Chapter III-A for the first time included provisions to prohibit collection and exploitation of such endangered plants. By the Amendment Act 44 of 1991, Schedule VI was added specifying the species of plants that were endangered. The Parliament also amendment the long title, which now reads, 'An Act to provide for the protection of wild animals, birds and plants and for matter connected there with or ancillary or incidental thereto.' Subsequently, it also added the definition of the words 'specified plant' in Section 2 of the act.

For wild animals, the most vital and fundamental element for their survival, besides judicious control of poaching, is the habitat. It is indisputable that this crucial habitat is fast shrinking and turning into tiny little pockets. In the absence of interlinking corridors, these small pockets have thrown up new problems resulting in a new science called 'island biogeography'. For those who love statistics: 16% of the world population lives on 2% of the land, creating contradictions like the loss of 15% of forest cover between 1981 and 1991. Despite rapid strides in agriculture, India's food security remains tenuous; per capita foodgrain production is a measly 200 kg per year, just above the UN standard for famine-like conditions.

Worse, even the daily per capita consumption of 0.5 kg eludes one-third of Indians. The ideal diet is 400 kg per person per year; according to experts, India needs to produce at least 300 kg per person per year to be free from the hunger trap. In a similar vein, the total annual requirement for freshwater resources is expected to increase to 1,050 cubic km by 2025; aggravated by pollution, the spectre of water famine stares us in the face.

The 1.65 crore addition to the population every year requires the opening of 66,000 new primary schools annually (current figure 6,000), raising foodgrain production from 40 lakh tons to 50 lakh tons, creating 30 lakh new jobs in agriculture every year, and accommodating 50 lakh additional labourers in the crowded agro-sector.

This increase in population has not left our forests unaffected. The tribal population of India has increased manifold, from 38.1 million in 1971 to 53.8 million in 1981 and to 67.7 million in 1991.

Another issue of great import is the nature, content and extent of the rights of the dwellers within forests or other ecologically significant areas. The state cannot and should not deprive these people of their right to grazing, health, education, protection, law and order, clean water, proper

Total Population of Schedule Tribes with Percentage Increase in 1971, 1981 and 1991					
State/UT	1971	1981	(% increase)	1991	(% increase)
States					
Andhra Pradesh	16,57,657	31,76,001	91.60	41,99,481	32.23
Arunachal Pradesh	3,69,408	4,41,167	19.43	5,50,351	24.75
Assam	16,06,648	21,85,845	36 05	28,74,441	31.50
Bihar	49,32,767	58,10,867	17 80	66,16,914	13.87
Goa/Daman and Diu*	7,654	10,721	40.07	12,100	12.86
Gujarat	37,34,422	48,48,586	29.83	61,61,775	27 08
Haryana	NA	NA	NA	NA	NA
Himachal Pradesh	1,41,610	1,97,263	39.30	2,18,349	10.70
Jammu and Kashmir	NA	NA	NA	NA	NA
Karnataka	2,31,268	18,25,203	689.22	19,15,691	5.00
Kerala	2,69,356	2,61,475	-2.93	3,20,967	22.75
Madhya Pradesh	83,87,403	1,19,87,031	42.92	1,53,99,034	28.46
Maharashtra	29,54,249	57,72,038	95.38	73,18,281	26 79
Manipur	3,34,466	3,87,977	16.00	6,32,173	62.94
Meghalaya	8,14,230	10,76,345	32 19	15,17,927	41.03
Mizoram	3,13,299	4,61,907	47.43	6,53,565	41.49
Nagaland	4,57,602	6,50,885	42 24	10,60,822	62.98
Orissa	50,71,937	59,15,067	16.62	70,32,214	18.89
Punjab	NA	NA	NA	NA	NA
Rajasthan	31,25,506	41,83,124	33.84	54,74,881	30.88
Sikkim	52,000	73,623	41.58	90,901	23 47
Tamil Nadu	3,11,515	5,20,226	67.00	5,74,194	10 37
Tripura	4,50,544	5,83,920	29.60	8,53,345	46.14
Uttar Pradesh	1,98,565	2,32,705	17.19	2,87,901	23.72
West Bengal	25,32,969	30,70,672	21 23	38,08,760	24.04
Union Territories					
Andaman and Nicobar Islands	18,102	22,361	23.53	26,770	19.72
Chandigarh	NA	NA	NA	NA	NA
Dadra and Nagar Haveli	64,445	81,714	26.80	1,09,380	33.86
Daman and Diu*	NA	NA	NA	NA	NA
Delhi	NA	NA	NA	NA	NA
Lakshadweep	29,540	37,760	27.83	48,163	27 55
Pondicherry	NA	NA	NA	NA	NA
India	3,80,67,162	5,38,14,483	47.81	6,77,58,380	25.91

Source: *Census of India*, 1991 * Data for the State of Goa and the Union Territory of Daman and Diu have been clubbed together.

sanitation, right to information or the right to vote, and so on. Equally important is the right to grow and procure food, to gather firewood to cook food to feed the family.

It is difficult to dispute the existence of these various facets of right to life, or stop others from exercising them. Yet the question remains whether these rights can be exercised irrespective of the consequences on wild animals and their habitats. Can society, which includes the state, impose restrictions on these rights and say, 'this much and no more,' when there is no firewood available other than in the reserve forests; when there is no land to grow food or for aquaculture except for that protected under some law; when there are no grazing fields other than those in the forests? As populations within and around forests increase rapidly, so does the pressure on the forest wealth to meet their needs.

Talchua was a small village of about 800 inhabitants when Bhitarkanika, one of the richest mangrove forests, was declared a sanctuary in the mid-70s. This village is situated in the core area of the sanctuary. After about two decades, in 1996, the population of this village had risen to over 10,000. Large tracts of mangroves were occupied and converted into paddy fields. Then came the aquaculture boom. Huge stretches of mangroves, adjacent to the creeks, were made into 'gheris' for prawn farming.

Such factors increased the clout of the people. So a road with bridges and culverts was constructed, running through the mangrove sanctuary. A jetty with a fish landing centre was constructed to cater to the inhabitants, though there was already one in existence a couple of kilometres up the coast; several schools with playgrounds, police station, and medical clinics were established. What was once a small village of fisherfolk metamorphosed into a full-fledged rural town without any sewage or garbage disposal mechanism, right in the middle of a sensitive mangrove ecosystem.

Another example is that of migrant traditional cattle owners, the Maldharis, whose cattle graze within the forests. Earlier, the number of cattle with the Maldharis was limited to cater to the milk requirements of the small pockets of human population within the vicinity of their grazing areas. But with an increase in the neighbouring population and the rapid improvement of transport and technology, the demand for milk is no longer limited to neighbouring areas. This increased demand has resulted in an increase in the cattle population with the Maldharis. The children, with their respective dependent families, have an equal right to follow in the footsteps of the father.

Let's take the example of those dwellers who collect minor forest produce like herbs and honey. With the passage of time, the forest area has reduced and the number of dwellers surviving on minor forest produce has increased to cater to an ever increasing urban and rural demand.

These examples amply demonstrate the zest of the human species to exercise their rights. But what is lost sight of is their duty to the ever decreasing numbers of wild animals and their shrinking, insecure habitats – a habitat which constitutes just over 4% of the total landmass. It would be better now than in the future if the state, which represents the will of society, took effective steps to provide the means, and on occasion compel those who live within and around the habitat of wild animals, to discharge their duties by restraining them from causing any further loss to the habitat. If the presence of the human species within any important core area is a threat to wildlife and its habitat, then it is their obligation to withdraw and relocate elsewhere. If such inhabitants refuse to do so in disregard of their duty, the state would be well justified in persuading them to do what they are otherwise obliged to do. If persuasion fails, then the state under the 'doctrine of public trust' would be acting well within the law to relocate them.

People alone do not constitute the sole factor responsible for the shrinking habitat. The state, under the garb of such ambiguous terms as public interest, national interest and public good, deprive wild animals of huge tracts of their habitats for mining, irrigation, power, roads, railways, ports among others.

The proposed dam in Madhav National Park (M.P.), the denotification of the Narayan Sarovar Sanctuary and the proposed denotification of the Wildass Sanctuary (Gujarat); laying of an oil pipeline through the Marine National Park (Gujarat) permitted, strangely for 'better management' of the park; setting up a state seed farm on prime grazing/wetland of the prey base within the Kataniya Ghat Sanctuary (U.P.); the Konkan Railway; mining in the Sariska Tiger Sanctuary; diversion of prime habitat from the Great Himalayan National Park under the garb of settlement of rights, are just some instances of state diversion and the consequent destruction of wildlife habitats.

These diversions have occurred despite loud and legitimate protests of the conservationists, highlighting the importance of such areas. Most protests have gone unheeded and proved to be ineffective when set up against the canons of public and

national interest wielded by the authorities of the state.

The conservationists are not anti-public interest or anti-national interest. It is only that their concept of interests is more focused towards conservation. It is the absence of any formal forum, fully equipped to hear and determine conservation issues, that compels the conservationist to carry on and prolong their vocal and public protests.

Effective environmental governance requires an unbiased independent forum, fully equipped to resolve issues relating to the rights of the forest inhabitants; their relocation if required; rationalisation of boundaries of protected areas; abuse of power by the officers of the state; diversion/denotification of protected and other ecologically important habitats. This forum should in no manner supplant the courts of law. It would supplement the courts, otherwise overworked, by providing an alternative forum for expeditious reconciliation of the competing aspirations and claims of the diverse sections of the country. This could be achieved by setting up a statutory national commission to ensure that the provisions of the Wildlife Protection Act, Forest Act, and other such acts are exercised in a manner to achieve their object and purpose.

Such a commission should comprise of conservationists, social activists and relevant researchers, who can take a comprehensive view of wildlife conservation and people's livelihood rights. The commission must have the power to appoint as many subcommittees, particularly at state levels and involving state government officials, to assist it in its objectives. The recommendation of the commission, after taking into consideration the reports of the subcommittees should be binding on the government.

Last, the law must be directed to effectively remedy the problems and evils persisting in society. It may be that in the past the situation did not necessitate passing of laws which are enacted today. The progress of law to harmonise the lives of people with the environment cannot be thwarted or faulted, its reasonableness cannot be worked out by mechanical formulae. What may have appeared an unreasonable restriction yesterday, could prove to be more than reasonable today. The test for determining the degree of reasonable restriction cannot be fixed or static. It must vary from age to age and adjusted to eliminate the dangers facing wildlife and its habitat. It is a pressing need of our times that activities, particularly commercial, which disrupt life forms and linkages necessary for the preservation of biodiversity and ecology, not be permitted. Rights granted under the Constitution are not absolute rights to be had at the cost of ecology but are qualified rights and restrictions thereon must be imposed. In the Kesavananda Bharati case (AIR 1973 SC 1461), the Supreme Court observed that the fundamental rights under the Constitution have no fixed content. Most of them are empty vessels into which each generation must contribute in the light of its experience.

We can only beseech that this generation transfers its rights over the forests from the vessel of rights into the cauldron of duties.

| Number of Poaching Cases Detected | | | | |
State/UT	1995-96	1996-97	1997-98	1998-99
Andhra Pradesh	50	35	28	4
Arunachal Pradesh	1	1	2	1
Assam*	48	45	33	NA
Bihar	4	2	2	NA
Goa	Nil	Nil	2	NA
Gujarat	45	49	43	NA
Haryana	216	307	350	270
Himachal Pradesh	4	13	2	NA
Karnataka	49	58	81	22
Kerala*	35	9	2	NA
Madhya Pradesh	297	286	355	NA
Maharashtra	102	NA	NA	NA
Manipur	8	0	1	NA
Meghalaya	8	5	11	7
Mizoram	2	8	4	4
Nagaland	1	14	4	Nil
Orissa	78	53	35	NA
Punjab	247	215	235	NA
Rajasthan	107	56	29	NA
Sikkim	0	3	2	3
Tamil Nadu	21	–	–	NA
Tripura	1	0	2	NA
Uttar Pradesh	7	2	5	NA
West Bengal	6	0	2	NA
Delhi	9	2	14	1
Pondicherry	0	0	0	5
Lakshadweep	0	0	0	Nil
Total	1346	1163	1244	317

* As per calendar year.
Cases have been filed against the offenders under the Wildlife (Protection) Act, 1972.

Justice denied

SURENDRANATH C

HAVING discharged massive volumes of pollutants into the Chaliyar river almost every day for 34 years, caused the death of hundreds of villagers, wrecked the health of many more, used up the bamboo forests and having converted thousands of hectares of natural forests in the state into monoculture plantations – the Birla group Grasim Industries has announced its decision to close down and sell off its factory at Mavoor in Kozhikode district, Kerala.

Grasim Industries had suspended production at its pulp and fibre units at Mavoor in May 1999 in the wake of an intense struggle against environmental pollution caused by the factory. Within a short time, the people's movement had enrolled supporters from many walks of life and gained much media attention. It had caused a few embarrassing moments for government departments and the statutory authority for controlling pollution, the Kerala State Pollution Control Board (KSPCB), and led to several public interest petitions being filed in various courts of law. The agitation managed to put the company in a tight spot from where it could not have run the factory any further without investing close to Rs 200 crore on pollution control.

Yet the Birlas' decision to close down the unit probably had nothing to do with compulsions of pollution control exerted by the state and its arms of law. The deciding factor could have been that there was no guarantee of return on additional capital investment because raw material had become scarce and the system of heavy state subsidies on inputs, without

which the company wouldn't have run so far, was not going to last for long.

Compared to the high-pitched campaign last year, a disturbing silence now prevails in Mavoor and the villages on the other bank of Chaliyar. People exposed to pollution are dying in unusually large numbers in the Chaliyar villages. As much as 29 deaths out of 136 (21%) reported in the death register of the panchayat of Vazhakkad in 1999 were due to cancer. Among the workers of the factory too, there are several who await a similar fate on account of pollution-induced diseases. But they do not dare to seek compensation and rehabilitation because such a demand would weaken their trade unions' stand that the factory should be reopened at all costs. In their desperation, the workers can think of no alternatives to this killing job in an unsustainable, polluting industry. The people of the pollution hit villages, who had changed their demand from 'pollution control' to 'permanent closure of the unit' only last year, are also not hopeful of forcing the polluter to pay for the damages. Apparently, they have little hope that justice will prevail. 'If what the several arms of the state and the judiciary have "achieved" in the last three decades on the issue is not proof enough,' they say, 'look at the state's response to the present crisis.'

The industries department is toying with the idea of handing over the Mavoor plant to a new company for settling the issue and the labour department is preparing to 'settle' the same in an industrial tribunal or a court of law as if it were a mere industrial dispute. 'The same old game of passing the buck by which the Birlas, the state and the courts have propped up the unsustainable unit for the last 37 years!' The public interest litigation cases filed in the Kerala High Court

have been languishing for over a year now and most of the pleas contained therein have already become infructuous. All the three petitions filed before the National Human Rights Commission have been closed without even a hearing on the basis of an argument that other cases on the issue are pending in the courts.

Almost from day one of setting up the first industrial unit at Mavoor in 1963, the people on the banks of Chaliyar river have been opposed to Grasim Industries (formerly Gwalior Rayons) because it has caused much water and air pollution, putting life on the banks of Chaliyar in deep peril. Independent studies and observations have shown that cancer, asthma, chronic bronchitis, cerebro-vascular accidents (CVA), heart attacks, reproductive system disorders, malformation of babies, renal stones in children, and so on are common in the Chaliyar villages. Cancer mortality rate in the village of Vazhakkad alone hovers above 20 per cent. In November 1994 a health survey organised by the Vazhakkad grama panchayat found that in the five years prior to the survey, 199 persons had died of cancer in the panchayat. At the time of the survey there were 70 cancer patients. The panchayat reviewed the findings in June 1995 and found that during the period of assessment, nine more persons had died due to cancer.

The Grasim Industries factory has wiped out aquatic life from the river, plunging into misery over 30,000 traditional workers (ten times the workers employed in the factory). It has also destroyed much of the lush bamboo forests in the state. Consuming over 2,00,000 tons of raw material per year, the factory has caused the conversion of thousands of hectares of natural tropical forests into industrial monoculture plantations. The

cumulative economic loss to the state exchequer in the last three decades on account of subsidizing the raw material supplies to the factory has been estimated to be around Rs 25,000 crore. The environmental damages and the cost to human life and property have not yet been assessed.

From 1963, when the pulp unit of Gwalior Rayons was set up, till 1974, when the Water (Prevention and Control of Pollution) Act was enacted by Parliament, the tool most often employed by the state to control pollution in the Chaliyar environment was the occasional admonitions by politicians. Gwalior Rayons treated them with characteristic contempt.

The other tool in the state's armoury, i.e., setting up expert committees one after the other, has been equally ineffective, except in rare instances. The first-ever scientific committee set up in 1968 to suggest remedies to the problem of pollution, which had intensified by then with the setting up of the viscose staple fibre unit in 1968, took four years and many an agitation on the part of the people to come up with the suggestion for an effluent treatment plant (ETP). As the polluter company dragged its feet once again and the people protested, the government constituted a review committee in 1972 to study the status of implementation of the earlier report.

The proceedings dragged on for two years till the State Board for Prevention and Control of Water Pollution was set up in 1974. Needless to say, every day in all these years, the company had been discharging nearly 68 million litres of toxic, raw effluents into Chaliyar and a large volume of poisonous gases into the atmosphere. (It would take 30 years for another expert committee to take a deeper look at the raw effluents' chemical characteristics and find it extremely

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toxic, even containing mercury. Before treatment facilities were set up, the effluent discharged into the river reportedly had a BOD value of 25,000-46,300 [against 30 prescribed for treated effluent] and a pH value of 2.5-4 [against 5.5-9] as was the case with the raw pH liquor stream from the pulp division).

In 1977 another expert panel, the Committee on Estimates on Prevention and Control of Water Pollution of the legislative assembly, was forced by the people to visit the Chaliyar villages and hear their grievances. Startled by the findings, in its first report submitted to the government in February 1978, the committee made 25 recommendations. The government submitted its action taken report only in August 1980. Even after a delay of two and half years, the replies given by it in respect of 15 of the 25 recommendations were found unsatisfactory by the committee, as the only answer the government could give on most of the recommendations was an evasive 'action is being taken'. The estimates committee made scathing remarks on the government's evasiveness and indifference as well as the pollution control board's lack of appreciation of the significance of recommendations. It condemned the 'adamant and arrogant' attitude of the company management and strongly recommended that prosecution procedures be undertaken against the company management.

Meanwhile, a political discussion held in 1974 chaired by Chief Minister Karunakaran mooted an 'ingenious' remedy to the woes of the people of the most directly affected village, Vazhakkad: to shift the existing effluent discharge point further down the river to Chungapally by extending the pipeline 7.4 km from the effluent lagoon! However, even this infamous

Ramanilayam Agreement, under which the company agreed to set up the ETP (suggested way back in 1972) and extend the pipeline to Chungapally, was implemented partially only in 1980.

It was in 1981 that KSPCB filed its first petition against Grasim Industries in the court of the first class judicial magistrate seeking to restrain the company from discharging effluents through unauthorised outlets and impose on the company officials a penalty for violation of the Water (Prevention and Control of Pollution) Act. The magistrate issued orders restraining the company from using the unauthorised outlet 'except in emergencies.' Subsequently, the board appealed to a higher court. Observing that 'the magistrate of the lower court had given a blanket permission to the factory to use an unauthorised outlet during emergencies' without specifying the emergency and that 'such an unrestrained allowance would render the control, restriction and supervision mentioned in the act negatory,' Justice K.T. Thomas of the Sessions Court deleted the exceptional clause in 1982. The second plea of KSPCB in the case filed in 1981, i.e., for imposing penalty on the company and its officials for violation of the Water Act, was heard at various courts and eventually dismissed in 1990.

During the same time, the people of Chaliyar villages had also approached the court with a plea under the Amended Code of Civil Procedures to protect their riparian rights over the use of the river and to restrain the company from discharging improperly treated industrial effluents into the river and poisonous gases into the atmosphere. Rejecting the company's claims of non-maintainability of a petition under the civil code and the

charge of multiplicity of litigation on the same cause of action, the magistrate issued an injunction restraining the company.

However, these injunctions did not hinder the company even a wee bit as it went on to use unauthorised outlets clandestinely under the guise of having filed appeals in the High Court. This gave it sufficient protection for a long time – in fact, till the KSPCB took up its shadow war against unauthorised outlets once again in 1995. The prolonged litigation over the use of an unauthorised outlet, though it eventually established the PCB's authority to restrict effluent discharge to authorised outlets alone, unfortunately also pre-empted a deeper look into the functioning of the authorised outlet and the PCB's monitoring system. The fact that the company had often used the authorised outlet in an unauthorised manner by discharging untreated or partially treated effluent was overlooked by the courts.

It took the PCB 14 more years to file a petition on the same cause of action, namely, the usage of unauthorised outlets. On this occasion the plea before the court was also to restrain the company from discharging trade effluents into Chaliyar or anywhere else until the effluents conformed to prescribed standards. The judicial first class magistrate allowed the PCB's petition and issued an injunction order restraining the company. In the petition KSPCB had submitted that 'separate legal action would be taken against the respondent company (Grasim Industries) for violating the earlier order of the Sessions Court dated 3 April 1982.' But this was never done.

When the company went on appeal, the Sessions Court set aside the order of the magistrate on the ground that the environmental engineer who moved the petition on behalf

of the KSPCB was not competent to do so. The court observed that the chairman of KSPCB, who had delegated to the environmental engineer authority to approach the court, was himself not authorised by the board to act under Section 33 of the Water Act. The court held that the powers delegated to the chairman were confined to Section 49 whereas Section 33 contemplated preventive action for which only the board itself had competence for action.

The court based its decision, among other legal precedents, on the argument in Taylor v. Taylor 1985 that 'where a power is given to do certain thing in a certain way, the thing must be done in that way or not at all... This rule has stood the test of time.' While acknowledging that the remedy provided under Section 33 of the Water Act was an extraordinary one, the court, however, expressed concern that such an action as prayed for by the PCB could lead to closure of the factory, loss of employment and several adverse impacts on the economy. The counter argument, that pollution of a river was an equally serious matter, was only noted in passing before dismissing the PCB's claim 'without prejudice to the board filing a fresh petition under Section 33 of the Act in accordance with law on the same cause of action.'

KSPCB did not pursue the case any further. In a nutshell, these two cases only succeeded in allowing the company more time to flout pollution control rules and to prevent the PCB from taking a sterner stand against pollution. Curiously, filing an appeal in a higher court and invoking the threat of sub judice had actually helped Grasim to continue, despite fear of contempt of court.

Grasim Industries was not the only one to adopt delaying tactics: the government too had perfected this technique by appointing one expert committee after another. In retrospect, the reports of these committees haven't been worth the paper on which they were written. They were never admitted as legal evidence in any court of law. The committees included an assembly committee on environment, the petitions committee of the Rajya Sabha, an expert committee headed by the chairman of the pollution control board and finally, another committee headed by the present member secretary of the central pollution control board, B. Sengupta. Few among the many recommendations of these panels were actually implemented by the company and KSPCB's undisguised 'wait and watch' policy abetted the defiant contempt Grasim showed towards these recommendations. Each new committee had turned out to be an alibi for KSPCB for furthering its inaction.

If the state pollution control board's commissions and omissions had only prolonged the misery of the people of Chaliyar, the interventions of the Water Appellate Authority, the statutory body constituted under the provisions of the Water Act, too had the same impact. In 1989 Grasim, appealed to the appellate authority against the KSPCB's decision to introduce more stringent limits for two indicators of pollution, namely the chemical oxygen demand (COD) and the colour of the effluent. Though the appellate authority upheld the PCB's order in 1991, the company went on to appeal to the High Court and a prolonged litigation followed. The company also introduced additional complaints in the petition before the High Court, challenging the board's right to stipulate (i) an upper limit (of 1 mg/litre) for the concentration of zinc in the effluent discharged from

the fibre division, and (ii) a reduced limit for the total volume of effluents discharged.

The significance of this case was that for the first time since 1963, KSPCB sought to awake from its slumber at the end of the pipeline and extend its monitoring a little deeper into the system of production by insisting on a standard for the effluent at the primary outlet point of the fibre divisions (from where the effluent went on to the ETP, common to both the pulp and the fibre divisions of the factory). This was also the first time that PCB sought a reduction in the effluent volume and the concentration of a toxic heavy metal, viz., zinc, in the effluent. With efforts underway worldwide to develop zero-effluent technologies and debate the adverse impact of heavy metal pollution, KSPCB too had to make a gesture in this direction! So the PCB fought this case over the 1 mg/litre limit for zinc all the way till 1999 and finally won it. Ironically, however, the PCB set no limit for the heavy metal in the combined effluent (from which the PCB took samples) when it subsequently issued a consent order to the factory in April 1999.

In 1996 the company again approached the water appellate authority against another order of the KSPCB denying consent to the pulp division on the basis of finding excess pollutants (COD and colour) in several samples of the effluent analysed in 1995. (There was much public pressure against the company and the board in 1995, following the death of three maintenance workers because of acute exposure to toxic gases in the effluent pipeline. The judicial first magistrate had also restrained the company from discharging effluents until they conformed to prescribed standards). After awarding an

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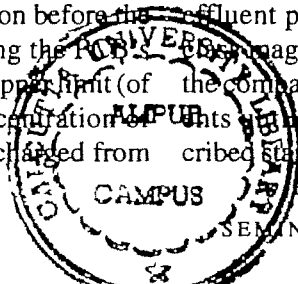
interim stay in favour of the company, the appellate authority conducted a local inspection and heard the complaints of the victims of pollution.

The authority concluded that the cause of the peoples' grievances was the extreme stench and colour of the effluent and that the reason for this was the practice of discharging effluent at the surface of the river. It then suggested an ideal solution to the problem: extend the effluent pipeline another 20 odd km upto the sea. (The very same unscientific promise Gwalior Rayons had made to the people in 1963.) However, conceding the company's argument that such an expensive project was not technically feasible and economically viable, the appellate authority came up with another 'ingenious' remedy: trifurcate the effluent discharge pipe, extend it to the middle of the river, and submerge it well beneath the surface of the river. (If shifting the discharge point from Kalpally to Chungapally in 1980 was an absurdity in itself, the burial of the pipeline beneath the surface of the river was its logical sequel!)

The authority argued that this would diffuse and dilute the pollutants tolerably and the stench would abate. (It also had the added advantage that neither the people nor the media would be able to see or photograph the unsavoury discharge of the black, soupy concoction into the river. The company and even the PCB had then claimed that there was no pollution in Chaliyar river water except for its colour.) By setting a time limit of six months for the company to carry out the burial of the pipes, the water appellate authority made absolute the interim stay on the KSPCB's order. The order was conditional and had made it clear that 'the stay will stand vacated on proven infringement of the quality of

the effluents.' And what was Grasim's response? Absolute contempt.

Under one pretext or the other, the company did nothing in the next three years to implement the suggestion. In 1999, Justice C S. Rajan of the Kerala High Court happened to hit upon this lapse on the part of the company and gave Grasim an ultimatum to complete the work in three months. No sooner had the company started work, a lower court stayed it on the basis of a petition filed by a local resident who alleged that the work was not being carried out at Chungapally proper as directed by the water appellate authority and the High Court. The petitioner said that as per revenue records the company's effluent discharge pipeline built in 1980 stood at Kodavannakkadavu and not at Chungapally proper, the latter being a further 1.5 km down the river. Apparently, the multinational company with assets valued in millions of dollars had, in 1980, terminated the effluent pipeline at Kodavannakkadavu above Chungapally in order to save on a few hundred meters length of concrete pipes! It was during the hearing of this case that Grasim announced its decision to seek a permanent closure of the factory at Mavoor.

Despite of the grave situation on the banks of Chaliyar, the legal systems for pollution control has failed to deliver. Neither the victims of pollution, nor the pollution control board have so far succeeded in building up a case that goes beyond the narrow confines of the Water (Prevention and Control of Pollution) Act. Out of the PIL petitions sent earlier to the Supreme Court, one submitted by K.V.K Elayath, a chronic victim of throat cancer, was rejected on the ground that he was technically not an employee of Grasim as claimed before the court; he was only an employee of the workers'

cooperative society in the Grasim factory. The second plea, sent as a letter to the SC by a victim of pollution, was not even acknowledged as received.

Equally, despite air pollution caused by the factory being an important, if not greater, threat to the health of the people and the environment, not a single significant case has so far been developed to check this menace. Even today there is just one defunct air pollution monitoring equipment in the vast area exposed to pollution covering at least 10 panchayats and a population of over 2,00,000.

The inherent weaknesses of the Water Act – it is neither strong on its science nor on the issue of peoples' rights – have been effectively manipulated by the polluter company as well as the pollution control board to suit their convenience. The Water Act is enforced primarily through a system of granting or denial of consent by the statutory authority, the state PCB, to regulate the consumption and discharge of a set of chemicals, based on certain known harmful effects on exposure to these chemicals. The loopholes in the system are plenty.

For instance, the known harmful effects of the pollutants, for which tolerable limits are prescribed in a consent order, can be just the tip of an iceberg. As in the case of the organochlorine compounds – pulp mills all over the world have been found to be a major source of such persistent organic pollutants (POPs) – the unknown and the unidentified could be far greater than the known and the identified.

Also, the present knowledge about the vast spectrum of harmful effects of chemicals is insufficient. The system of fixing tolerance limits raises several questions: Do these limits sufficiently account for differences in species, gender, age, region and nutritional levels of the exposed

organisms? Do they hold good for chronic exposures over a long period, say three decades as in the case of the Chaliyar river pollution? Given the possible variations in chemical reactions and the plethora of combination and break-down products possible in a chemical system, how tolerable is the system of fixing tolerance limits?

The functioning of the system of consent issued by the PCB depends essentially on mutual trust between the potential polluter and the pollution control agency. To point out just one instance, the bio-assay tests for toxicity of the effluent is required to be conducted by the industrial unit and not by the PCB. A host of chemicals not listed in the consent order can be used by the industry. Grasim Industries is known to have used several such chemicals, including known carcinogens such as sodium pentachlorophenate and mercury. (Even after several academic research studies establishing the presence of excessive concentrations of mercury and other heavy metals in the water and sediments of the Chaliyar river, the PCB could not detect any toxic elements or even feel legally bound to look for them in the samples.)

The enforcement mechanism under the Water Act gives rise to many other questions. Can the system of end-of-the-pipeline regulation work effectively, given the technological incapacity and the propensity towards corruption of the PCBs?

The abiding spirit of the Water Act is neither that of the 'precautionary principle' nor the 'polluter pays principle'. Instead, 'balance of convenience' is the underlying spirit of the act. In the case of pollution in the Chaliyar river, the balance had so far been tilted in favour of the polluter company and the various arms of law that collude with capital, than in favour of the victims of pollution.

Water rights

MANJULA BATRA

WATER is without doubt the most important common resource of the people. A major constituent of all living matter, it is indispensable for survival. Water must be allowed to find its own levels. At the same time it cannot be left unregulated and uncontrolled, for it may descend upon us as rain or floods causing misery.

The uses of water are multifold. Flowing water when used legitimately benefits, but when it overflows and results in flood, it damages the abutting properties. Using water in a manner detrimental to others creates a cause of action which is redressable in a court of law. Regulation and control of water by the state creates rights and obligations between state and subjects as also between states inter-se. Any violation of such rights gives rise to a variety of litigation – civil and criminal.

The remedies against violation of water rights are both statutory as well as common law. The statutory remedies are found under the Environmental (Protection) Act, 1986; the Water (Prevention and Control) of Pollution Act, 1974; the Indian Penal Code, 1860; and the Criminal Procedure Code, 1973. A writ petition can also be filed under Article 32 in the Supreme Court or under Article 226 in the High Court for seeking remedy against violation of water rights.

The common law remedies are in the nature of a tort action against the violator of the water right. The term 'common law' is derived from the Latin word *lex communis*. It is a body of customary law of England based upon judicial decisions. In fact, common law remedies were available against violators of water rights even before statutory laws came into force.

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The Indian law of torts is based on English common law. The rules of tort law were introduced in India during the British rule. The term 'tort' is the French equivalent of the English word 'wrong' and the Roman law term 'tortum', which implies conduct which is tortuous or twisted. Tort law has grown over a long period around the concept of right and duty and the manner of enforcement of the right and duty by a court of law. A tort or a wrong is said to have been committed whenever there is a violation of the right of a person or breach of duty by another person for which the appropriate remedy is 'civil action'. For an injury caused to his water right, the affected person must first and foremost establish the existence of a legal right which has been violated and second, a breach of legal duty by the person against whom damages are claimed.

Remedy available for a tort action is either preventive or punitive. The court has jurisdiction to award damages in the form of pecuniary compensation or to grant injunction, preventive or mandatory. The judiciary awards pecuniary compensation in cases where it is found that the injury is (*i*) small; (*ii*) capable of being estimated in money; (*iii*) can be adequately compensated by money and (*iv*) where the case is one in which an injunction will be oppressive.

Damages may be either substantial or exemplary. Substantial damages are awarded to compensate the plaintiff for the wrong that he has suffered. The purpose of awarding substantial damages is to restore the plaintiff to the position he or she would have been had the tort not been committed. Exemplary damages are awarded with an intention to punish the defendant for the outrageous nature of his act, as for example, when

the defendant persists in causing a nuisance after being convicted and fined for it.[1]

Injunctions are granted at the discretion of the court. They are of two kinds, temporary and perpetual. Temporary injunction is regulated by Section 94 and 95 as well as Order 39 of the Code of Civil Procedure, 1908. Perpetual injunctions are regulated by Sections 37 to 42 of the Specific Relief Act, 1963.

Most of the water cases in tort law fall under the categories of nuisance, negligence and strict liability. The act of negligence may also constitute a nuisance if it interferes unlawfully and for a considerably long period of time with the enjoyment of another's right in land or it occasions on the highway a dangerous state of affairs as constructed with a single isolated act.[2] The rule of strict liability as laid down in the case of Rylands v. Fletcher[3] is usually dealt with as a separate tort, but depending upon the circumstances of each case it can also be considered as an extension of the law of nuisance.

The present article is limited to focusing on how the law of nuisance can be used in, first, restoring the water rights of the people in India and second, in preventing and controlling water pollution.

The roots of modern environmental law are found in the common law concept of nuisance. The word 'nuisance' is derived from the French word 'nuire' which means to injure, hurt or harm. The term nuisance is incapable of a precise definition, but its concept is well comprehended. Nuisance may be described as an 'unlawful interference with a person's

use or enjoyment of land or of some right or in connection with it.' For an interference to be an actionable nuisance, the conduct of the defendant must be unreasonable. A nuisance may be caused by negligence and there may be cases where the same act or omission may comprise a certain element of either kind, but generally speaking these two classes of action are distinct.

In common law, nuisance is of two kinds: (*a*) private nuisance and (*b*) public nuisance. Private nuisance is the using or authorizing the use of one's property or of anything under one's control, so as to injuriously affect an owner or occupier of property by physically injuring his property or by interfering materially with his leisure, comfort or convenience. Private nuisance affecting water rights includes acts leading to wrongful disturbance of easements, e.g. disturbance of a right to use water from a particular water channel or tank, wrongful escape of water into another's property and so on.[4]

A public nuisance can be defined as an unreasonable interference with a general right of the public. Public nuisance is first and foremost a crime because, 'it is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect a person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.' Public nuisance is a crime which can be tried summarily or on an indictment which can lead to civil liability towards anyone suffering special damage, while private nuisance is a tort.

1 J C Galstaun v Dunia Lal Seal, (1905)9 CWN 612,617

2 See, Bottom v Stone, (1951) AC 850 HC.

3. (1868) LR 3 HL 330

4 See, Dhanusao v Sitabai, ILR 1948 Nag 698, Becharam Choudhary v Puhubnath Jha (1862) 2 Beng LR (Appx) 53; Baldeo Das v. Secreatary of State (1883) PR No 30 of 1883

In order that an individual may have private right of action in respect of a public nuisance: (i) He must show a particular injury to himself beyond that which is suffered by the rest of the public. He must show that he has suffered some damage more than what the general body of the public had to suffer. (ii) Such injury must be direct, and not a mere consequential injury; as where one way is obstructed, but another is left open. (iii) Injury must be of a substantial nature.

In nuisance action, a plaintiff has a choice between injunction and remedies. It is common for a plaintiff to seek an injunctive relief to stop the defendant from continuing his activity. The defendant, on the other hand, would be more than willing to pay damages rather than give up his activity. The granting of injunctions, being a discretionary remedy, is usually more suitable for balancing conflicting interests.

This act of balancing conflicting interests, however, has given rise to innumerable difficulties and uncertainties in practices, which are particularly apparent in water cases dealing with pollution. In private nuisance, damages are awarded when there is interference with the right to the use or enjoyment of land and in some cases both are awarded. Public nuisance, on the other hand, affords protection to persons other then those with an interest in land. In public nuisance damages for personal injury as well as economic loss can be recovered, while in private nuisance it is primarily damage to land and goods which is compensated.

In cases of continuing nuisance, it has usually been held that an injunction should be granted in some form unless the injury complained of is trivial. Thus, in Nirmal Chandra Sanyal v. Municipal Commissioners,[5]

the discomfort caused to the plaintiff by the construction of the pucca hackney carriage stand in front of his property, which had no proper drain or channel to drain off the excreta of his horses, with the result that the offensive matter drained into and accumulated in a long strip of land in between the pucca stand and the plaintiff's land, was not considered to be a proper relief. In this case, the commissioners of the municipality were directed to keep the strip of land in between the hackney carriage stand and the plaintiff's land clean by providing a suitable pucca drain within six months from the date. The court also held that if the commissioners failed to provide a suitable drain, the plaintiff could get such a drain constructed and the costs recovered from the commissioners of the municipality.

Whether an individual would prefer seeking an injunctive relief or pecuniary relief or both in case of a public nuisance depends on the facts and circumstances of each case. In Syed Muzaffar Hussain v. Administrator of the Lahore Municipality,[6] there was an old storm water channel in the area known as Gowalmandi which was constructed before that area become densely populated. With increase in population, the need for sanitation grew acute and the municipality adopted the simple expedient of discharging sullage water into the old storm water channel. The plaintiff claimed that this led to two distinct nuisances from which he in particular suffered.

The first nuisance was that during the rainy season water overflowed into his house with unpleasant results. The second nuisance was created when the water in the channel became

5 AIR 1936 Cal 707
6 1981 C 773

stagnant and gave off a stench so offensive that his house became uninhabitable. The plaintiff sought an injunction to restrain the municipality from discharging sullage water into this channel, or in the alternative to compel it either to convert the channel into a suitable drain or to have proper drainage laid down everywhere.

It was held that the plaintiff was entitled to an injunction since damages alone would not have given him the desired relief. Strangely, the court in this case held that an injunction could not be given to interfere with the working of government departments and that the committee could not be compelled to make satisfactory drainage arrangements, though it could be restrained from making arrangements which would be negligent or dangerous to health or even interfere with the ordinary comfort of an individual. Finally, considering that the administrator of the Lahore municipality had pleaded separately, an injunction was issued to him to restrain from discharging sullage water into the storm water channel.

In the above mentioned case, the court gave no reason why an injunction could not be issued to interfere with the working of a government department and why the government could not be compelled to make satisfactory arrangements. With an increase in the needs of society, the law should also develop accordingly and impose a moral duty (which would take the shape of a legal duty) on the state (in this case the committee) to meet the essential needs of its people. It is possible in certain cases that the comfort of a private individual to an extent suffers in the public interest. But an individual should suffer only when no other arrangement can possibly be made. In the case under

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discussion it was not shown that no other arrangement for drainage could possibly be made. In fact, it was stated that more satisfactory arrangements for drainage were already under contemplation.[7]

In Khurshid Hussain and others v. Secretary of State[8] it was held that for private individuals to establish a cause of action with regard to a public nuisance, special damage must be proved, but it may not be essential in all circumstances. The court observed that 'special damage' in cases of nuisance is that damage which an individual has suffered over and above the inconvenience faced by other members of the public. And in an action for damages in such a case, 'the mere fact that persons did not give any details of the damage which they suffered in no way detracted from the right to succeed in the action if their success or failure depended upon that point.'

Briefly, the facts of that case are as follows: A bundh was created by the government parallel to the railway line on the Futwah Road, south of Patna, to prevent the city and its bazaar from being inundated by water due to an overflowing Poonpoon river. In times of flood the construction of the bundh prevented the water from draining away to the north and the district in which the plaintiffs houses were situated was thereby flooded. The plaintiffs sought a mandatory injunction against the Secretary of State to remove the bundh. They also claimed damages for the loss suffered.

The court held that to establish a cause of action against the defendant it was essential for the plaintiffs to prove that they had a prescriptive right[9] to drain off flood water towards the north and that the erection of the bundh by the defendant had interfered with their right. It was further observed that the plaintiffs had no absolute right to have their land kept free from flood water by draining it to the north and flooding these lands. Their right, if any, was subject to drain water through certain defined channels.'

Because the plaintiffs could not show that they had a prescriptive right to drain flood water in defined channels, the court negated their claims for injunction and special damages. Similarly, a person cannot claim a right to foul an ordinary drain by discharging into it what was not intended and then place on other persons an obligation to alter the drain in order to remedy the nuisance that he has caused.

It has been held that where a person comes to court complaining of a private nuisance injuriously affecting his property and health then he has a genuine cause of action which in law is based on the *maxim sic utere tuo ut alienum non laedas.*

In Manumal Shamdas v. Sahsanomal[10] the defendant dug a well in his courtyard for the purpose of obtaining water from an artesan well by means of a boring pipe. After inserting the pipe he left the well unfilled, which was continually being filled in with water from the boring pipe. The well and the boring pipes were in close proximity with the wall of the plaintiff's house, which were affected

injuriously. The plaintiff filed a suit for a mandatory injunction directing the defendant to close up the well and also claimed damages. The court held that there was definitely a want of care on the part of the defendant who was responsible for the damage incurred by the plaintiff. Accordingly, a mandatory injunction was granted to the plaintiff. To succeed in an action for private nuisance it may not be necessary to prove special damage.

In Maung Thit Sa v. Maung Nat[11] the court held that where a person is in the enjoyment of a right and another deliberately infringes that right, the person injured can succeed in an action for damages without proving special damage, i.e. whether any damage has been proved to have accrued to him or not. In that case the parties were lessees of adjoining fisheries, the fishery of the plaintiff-appellate being the lower one. For 22 days of the season the defendant-respondent continued placing illegal obstructions to the passage of the fish which reduced the plaintiff's catch. The plaintiff sued the defendant for damages. The court overruled the allegation on the ground that proving special damage was an impossible task in a situation like the present one. Strangely enough, though the action of the defendant in the present case was considered a tort, the word 'nuisance' as such was not mentioned.

Reflecting upon the cases mentioned above it is apparent that the tort of nuisance in water cases has been considerably underplayed by the judiciary. In several old cases where an interference in the right of enjoyment in land or otherwise has been held to be a tort there has been no mention whether the particular tortious act was a nuisance or not. This uncertain

7 See Ratlam Municipal Council v Vardichand, AIR 1980 SC 1622, where the court held that it was mandatory for the municipal corporation to provide adequate drainage and sewage system to the public and that the municipal corporation could not shirk its responsibility by stating that it did not have enough financial resources to provide people with a functional drainage system.
8. AIR 1937 Pat 302

9 A prescriptive right to commit nuisance may be acquired if a person has continued with an activity on the land of another person for 20 years or more
10. 159 I C 1103.

11. 74 I C. 41

position taken by the judiciary has adversely affected the growth of tort of nuisance. Or having been guided by the principle that not every 'fleeting or evanescent' interference will be an actionable nuisance except one which is substantial and unreasonable, the courts have been hesitant in recognizing the efficacy of this area of tort. Thus, where water flowed over the plaintiff's land but only caused 'trivial injury', the claim of nuisance was rejected Such an approach taken by the judiciary may not be wise today.

The term 'pollution' has been differently described in different acts. Some describe it as 'nuisance' while others define it either as 'neglect to carry away rubbish' or causing 'water to be corrupted'; some statutes define 'pollution' as 'poisoning' of water

In tort law the act of polluting water is termed as a nuisance. Filthy or dirty water, whether flowing or standing, is hazardous to nearby residents. The situation becomes worse if the concerned authorities do not take any steps to drain off the water from residential localities. The right of throwing filthy water on a neighbour's land is an easement, which can be acquired either by grant or under Section 15 of the Easement Act by prescription. If such right is not acquiesced, the act of polluting amounts to actionable nuisance.[12] A right to pass filthy water and other water on the land of another, can be acquired by long and immemorial user[13] but a right to flow dirty water towards the house and well of a neighbour cannot be acquired as it amounts to nuisance.[14]

In Pakkle v. P. Aiyaswami,[15] the courts held that the villagers had an

ancient common right to the use of water in the suit tank for their drinking and catering purpose as well as for the use of cattle. In that case the plaintiff brought an action under nuisance to restrain the defendants from laying salt pans in the bed of the suit tank which had made the water in it useless for bathing, drinking and other purposes. The suit tank belonged to the government. The contention of the appellant that the suit tank being government property was not the property of the villagers and, therefore, there could be no injunction restraining the defendants from converting the bed of the suit tank into salt pans was negatived by the court.

The polluter-defendants also alleged that it was the government alone that could prevent them from doing anything on their property. Basing its decision on the evidence admitted, the court concluded that this action of the polluter-defendants amounted to a nuisance and the plaintiff-villagers were entitled to the injunction prayed for. It also stated that because the plaintiff-villagers had a common right over water in the tank, any interference with that right gave them a cause for action even though the interference was not in respect of the land belonging to the plaintiff.

In common law, every riparian owner is entitled to the continued water flow of a natural stream in its natural condition, without any obstruction or pollution and undiminished in quantity and quality. Every landowner has a natural right to water of natural surface streams which pass his lands in defined channels, and to transmit the water to the land of other persons in its accustomed course. This right belongs to the proprietor of the adjoining lands as a natural incident to the right to the soil itself. Riparian owners are entitled to use and consume

water of the stream for drinking and household purposes, for watering their cattle, for irrigating their land, and for the purpose of manufacture subject to conditions that: (a) the use is reasonable; (b) it does not destroy or render useless or materially diminish, or affect the application of the water by riparian owners below the stream in the exercise of natural right or their right of easement if any.

The pollution of a natural stream is a wrong, actionable at the instance of any riparian owner past whose land the water so polluted flows.[16]

Though the Indian legal system recognizes a common law riparian right to unpolluted water, it is rarely invoked in contemporary litigation concerning water pollution. In M.C. Mehta v. Union of India, the Supreme Court acknowledged the existence of such a right by stating that, 'In common law the municipal corporation can be restrained by an injunction brought by a riparian owner who has suffered on account of the pollution of the water in river caused by the corporation by discharging into the river insufficiently treated sewage from discharging such sewage.'[17]

In case of violation of rights affecting non-riparian owners, the rules of English law continue to apply. The aggrieved party is provided a remedy under the tort of 'nuisance'. Unlike 'negligence' where taking of 'reasonable care' is a defence for the defendant, no such defence is necessarily available to a defendant under nuisance.

Water pollution caused by industry and factories is rampant in India

12 AIR 1937 Mad 823
13. (2 Bom L.R 89).
14. AIR 1979 All 71
15 AIR 1969 Mad 351

16 The common law doctrine of riparian rights has been codified in India by the Indian Easements Act. 1882. Illustrations (f) and (h) of Section 7 of the act deal with pollution of waters
17 AIR 1988 SC 1115

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today. In earlier times, when the impact of industrial pollution was not so severe, the courts tended to uphold the rights of industrialists to pollute water. The penal sanctions were also not strictly adhered to.[18] But with an increase in industrialisation, water pollution became a major problem, which could not be handled through criminal or penal sanctions. As the government became more aware of the magnitude of the problem, it restricted the right to pollute by enacting legislations such as the Water (Prevention and Control of Pollution) Act, 1974 (Water Act) and the Environment Protection Act, 1986.

It has been seen that most judicial decisions dealing with water pollution before the enactment of the Water Act were in favour of the polluters. The reason for this could be attributed to the fact that most polluters were economically and socially well-off. Even when the Water Act came into force, the maximum number of notices and litigation launched by the Central Water Control Board has been against small factories.[19]

As a consequence, all big polluters continue to pollute. Looking at the ineffectiveness of the statutory provisions in prosecuting the big polluters, the Supreme Court in a recent case of Vellore Citizen Welfare Forum v. Union of India[20] gave relief to the victims of water pollution caused by tanneries by recognising the act of polluting water as causing nuisance to the people.

In this case, a writ petition was filed against the large-scale pollution caused by the tanneries and other industries in the state of Tamil Nadu. The petitioners alleged that untreated effluent was being discharged into agricultural fields, waterways and open land, which ultimately reached the Palar river which is the main source of water supply to the residents of the area. The effluents had spoiled the physico-chemical properties of the soil and had contaminated the groundwater by percolation.

After carefully examining the facts of the case, the Supreme Court, while recognizing the common law right of the people to a clean and healthy environment, awarded compensation to the victims of pollution on the basis of the 'precautionary principle' and the 'polluter pays principle' – two of the several salient principles of 'sustainable development'.

The 'precautionary principle' when applied by the courts to Indian condition means: (i) that environmental measures taken by the state and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation; (ii) that where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for posting measures to prevent environmental degradation; and (iii) that the 'onus of proof' is on the actor or the developer/industrialist to show that his action is environmentally benign.

The polluter pays principle as interpreted by the court means that the absolute liability for harm to the environment extends not only to compensate the victims of pollution but

includes the cost of restoring environmental degradation.[21]

By regarding the two aforementioned principles as part of the environmental law of the country, the Supreme Court has to some extent conceptualized the common law remedial measures of awarding compensation to the victims of a tortious action in water pollution cases.

The decision given in the Vellore citizen's case shows the potential of controlling water pollution through the tort of nuisance. It also reveals the power of the judiciary to compensate victims where their water rights have been affected.

It is submitted that in order that a tort, like nuisance, is effective in protecting water rights and preventing and controlling water pollution, the legislature must make the tort of nuisance more specific. It has been observed that in all water cases falling under tort of nuisance there has been no emphasis on the application of the duty principle. The courts have largely been concerned with restraining the defendant from interfering with the plaintiff's right. The tort of nuisance in water law is still in the evolutionary stage. It may cover a variety of situations or just a few specific ones. It may comprise an element of fault, negligence or strict liability or none of these.

Therefore, it is suggested that to increase the utility of tort of nuisance in resolving water-related disputes, the legislature should enact a law of nuisance so that specific forms of nuisance could be placed under specific laws. It is also suggested that if the requirement of proving special damage on the part of the injured party were dispensed with in case of public nuisance then the efficacy of the tort of nuisance in curbing water pollution would be considerably enhanced.

18 See Deshi Sugar Mills v Tupsi Ram Kahar [AIR 1926 Pat 506; Empress v Holodhan Pooroo (ILR Cal. 383), Emperor v Nana Ram (6 Bom. LR 52, 1904)], Reg v. Partha (Cr R 1885).

19. See Water Law, in *Law in India*, edited by Chhatrapati Singh, ILI (1992)

20 AIR 1996 SC 2715

21. See, Indian Council for Enviro-Legal Action v Union of India AIR 1996 SC 1446, where the 'polluter pays' principle was held to be sound by the Supreme Court

The plight of the tribal

SHARAD KULKARNI

'What does the forest bear?
Resin, timber and foreign exchange,
so said the forest officer.
The women instantly replied,
with their own slogan
What does the forest bear?
Soil, water and pure air
That are the basis of human life.'

—'A slogan from the Chipko Movement.

THE present ecological crisis is basically a result of conflict between greed and need, luxury and survival, growth and sustainable development. The governments, particularly those in the developing countries and more specifically India, are caught in this dilemma. They attempt to reconcile the two conflicts by enacting more laws and policy resolutions that deal with slogans and symptoms, ignoring the root causes. This game of running with the hare and hunting with the hound cannot go on for long.

The history of forest legislation in India and the resultant plight of tribal and other forest dwelling communities highlights this conflict which needs urgent and effective solution.

Contrary to the general belief that the regulation of forests started during British rule, it is now accepted that even earlier customary rules regulated the use of forests. Certain types of trees were regarded as sacred and never cut. Certain areas under forest were regarded as God's groves (Devaraya) and not even deadwood and leaves were taken out from these areas. Even today, some such areas in

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their natural condition are found in different parts of the country, though their condition is rapidly worsening.[1]

Devoid of good forests in England, the British realised the commercial value of Indian forests and tried to establish rigid control over them. We can trace the beginnings of a systematic forest policy to 1855 when the Governor General, Lord Dalhousie, issued a memorandum on forest conservation called the charter of Indian forests. He suggested that teak timber should be retained as state property and its trade strictly regulated.

In 1856, Dietrich Brandis, a German botanist, was appointed as the first Inspector General of Forests. The Forest Department was organised and the first forest act was enacted under his guidance. Brandis made an inventory of trees in India and classified them.

The first act for the regulation of forests was passed in 1865. It empowered the government to declare any land covered with trees or brushwood as government forest and to make rules to manage them. The act was applicable only to the forests in control of the government and did not cover private forests. It made no provision regarding the rights of the users.[2]

The Act of 1865 was replaced by a more comprehensive Indian Forest Act of 1878. Forests were divided into reserve forests, protected forests and village forests. Several restrictions were imposed upon the people's rights over forest land and produce in the protected and reserved forests. The act empowered the local government to levy duty on timber produced in Bri-

tish India or brought from any place beyond the frontier of British India, thus encouraging them to earn revenue from forests.

The Indian Forest Act of 1878 radically changed the nature of common property and made it state property. According to Baden-Powell, 'The right of government to all uncultivated, unappropriated land is the basis on which the Indian forest law proceeds.' This was only partially correct as a number of lands taken over by government were appropriated and used by tribal communities, though this was not legally recorded. These rights of people over forest lands and produce were later regarded as concessions.

The government announced its forest policy by a resolution on 19 October 1894. The policy emphasized state control over forests and the need to exploit forests for augmenting state revenue. The Indian Forest Act of 1927 replaced the earlier Act of 1878. This act embodied all the major provisions of the earlier act, extending it to include those relating to the duty on timber. The act is still in force together with several amendments made by state governments. The preamble states that the act seeks to consolidate the law relating to the transit of forest produce and the duty leviable on timber and other forest produce. Thus, there is a clear emphasis on the revenue yielding aspect of forests.

The Government of India Act, 1935, created a dual system of government by setting up provincial legislatures and assigning certain subjects to them, of which forests was one. Thereafter, the provincial governments made several amendments to the Indian Forest Act of 1927. In short, during British rule, the Department of Forest was organised, a systematic inventory of trees made, customary

rights of people over forest land and produce curtailed and transformed into concessions to be enjoyed at the will of the forest officials and, most important, forests became a major source of revenue for the government.

After Independence, the Constitution of India adopted a number of provisions from the Government of India Act of 1935 and retained forest as a state subject in the 7th Schedule. The National Forest Policy Resolution adopted by the government in 1952, emphasised that the forest policy should be based on paramount national needs. For the first time the resolution emphasized the ecological and social aspects of forest management, giving secondary importance to the needs of commerce, industry and revenue. The resolution did not call for any change in the forest law and remained only a pious declaration.

The Ministry of Forest was originally a part of the Ministry of Agriculture and naturally the National Commission on Agriculture treated it as such. The commission's report covered forests in the 9th part of its multi-volume report.[3] While mentioning that the basic objectives of planned development in India were removal of poverty, attainment of self-reliance and maximizing employment and production, particularly of goods and services of mass consumption, it advocated commercialization of forests with complete disregard for the sustenance of adivasi and other forest dwelling communities. It asserted that 'production of industrial wood has to be the *raison d'etre* for the existence of forest' (p. 32-33).

Its commercial bias was evident in its a statement that, 'free supply of

1 Mahdhav Gadgil and V.D Vartak, Sacred Groves in Maharashtra. An Inventory, in S.K. Jain (ed), *Glimpses of Indian Ethnobotany*, Oxford University Press, Bombay, 1981

2. B H Baden Powell, *Forest Law*, Bradbury Agnaw and Co., London, 1893, p. 225

3. Report of the National Commission on Agriculture. Part IX, Forestry, Ministry of Agriculture, Government of India, New Delhi, 1976

forest produce to the rural population and their rights and privileges have brought destruction to the forests and so it is necessary to reverse the process. The rural people have not contributed much towards the maintenance or regeneration of the forests. Having over-exploited the resources they cannot in all fairness expect that somebody else will take the trouble of providing them with forest produce free of charge' (p. 25).

The commission recommended that the revised national forest policy should be based on important needs of the country. All forest lands should be classified into protection forests, production forests and social forests. It gave the highest priority to production forests and the lowest priority to social forests. The object of forest management should be that 'each hectare of forest land should be in a position to yield a net income of many more times than is being obtained at present.' It recommended enactment of a revised all India forest act.

As mentioned earlier, the subject of forests was included in the state list in the 7th Schedule of the Constitution (item 19). During the Emergency, the subject was transferred from the state list to the concurrent list through the 42nd Amendment to the Constitution (item 17 A). After the transfer of forests from the state list to the concurrent list, the Government of India promulgated the Forest (Conservation) Ordinance on 25 October 1980 prohibiting the state governments from allowing the use of forest lands for any other purpose without the approval of the central government. The ordinance was later passed as an Act (no. 69 of 1980). By a later amendment in 1988, state governments were prohibited from assigning, by way of lease or otherwise, any forest land or any portion thereof, to any private per-

son or authority not owned, managed or controlled by government without previous sanction of the central government.

Based on the recommendations of the National Commission on Agriculture, the Ministry of Agriculture prepared a draft forest bill to be presented to Parliament. It placed severe restrictions on the collection and use of forest produce by the people in and around the vicinity of forests. It also gave forest officials wide powers of arrest and seizure of property, even on the suspicion of committing an offence. The draft was widely discussed but the government did not present the bill to Parliament.[4]

In 1985, the Forest Department was shifted from the Ministry of Agriculture to the Ministry of Environment and Forests. This helped to shift the emphasis from revenue to environmental concerns. In December 1988, the Parliament passed a new forest policy resolution more or less rejecting the recommendations of the National Commission on Agriculture. The resolution stressed the welfare of forest dwelling communities as a major objective of the forest policy, and categorically stated that the life of tribals and other poor living within and near forests revolves around forests and that the rights and the concessions enjoyed by them should be fully protected. Their domestic requirements of fuelwood, fodder, minor forest produce and construction timber should be the first charge on forest produce. However, while the resolution adopted a pro-tribal policy, the old Act of 1927 with all the subsequent amendments remained unchanged.[5]

4. Sharad Kulkarni, 'Towards a Social Forest Policy', *Economic and Political Weekly* 18(6), 5 February 1983, pp. 191-196.

5. Sharad Kulkarni, 'Forest Legislation and Tribals: Comments on Forest Policy Resolu-

In 1994, the MoEF prepared a draft of a new bill called the Conservation of Forest and Natural Ecosystems Bill to replace the Indian Forest Act of 1927. The draft generated a lot of debate. Many voluntary organisations prepared an alternate draft that was submitted to the ministry.[6]

The bill has still to be presented to Parliament; the old Indian Forest Act of 1927 with subsequent amendments, continues to be in operation.

Following a successful experiment in joint forestry in West Bengal, the Government of India decided to adopt the policy of joint forest management.

On 1 June 1999 the Secretary, MoEF, issued a circular to the state and UT forest secretaries on the need for involving village communities and voluntary agencies for regeneration of degraded forest lands. The circular lays down guidelines for giving usufructary benefit to the village communities living close to the forest land so as to ensure their participation in the afforestation programme. It clearly states that no ownership of lease rights are to be given to the beneficiaries or NGOs. The beneficiaries should be given usufructs like grasses, lops and tops of branches and minor forest produce. They can also be given a portion of proceeds from the sale of trees on maturing, on the terms and conditions decided by the state/UT governments.

This was the first departure from the old policy. Following this, thousands of forest protection committees

tion', *Economic and Political Weekly* 22(50), 12 December 1987, pp 2143-48

6. Walter Fernandes (ed), *Drafting People's Forest Bill: The Forest Dweller – Social Activist Alternative*. Indian Social Institute, New Delhi, 1996.

S.R. Hiremath, Sadanand Kanwalli and Sharad Kulkarni (eds), *All About Draft Forest Bill and Forest Lands*, Samaj Parivartan Samudaya, Dharwad, 1994.

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came into existence in different states and the joint ventures continue. It has been noticed that the success of these ventures depend mainly on the attitude and behaviour of forest officials at all levels.

Following the 73rd Amendment to the Constitution and the recommendation of the Bhuria Committee appointed by the government and the Panchayat Raj (extension to the scheduled areas) Act of 1996, several states have made provisions for panchayat raj institutions in the scheduled areas, giving them wide powers of control over the natural resources including land and forest produce However, other state governments have tried to curtail the rights of these panchayats. For example, in the Maharashtra Act, apta, tendu leaf and bamboo have been omitted from the list of minor forest produce.

It is necessary to briefly describe the areas of conflict between the forest departments and tribals and other forest dwelling communities living within and near forests.

Encroachments on forest lands: A number of lands under the jurisdiction of the FD are in actual possession of the people. Such occupancy, called encroachments, have been regularized from time to time in different states. However, the orders of regularisation were never properly implemented by the forest departments which were reluctant to part with lands under their jurisdiction.[7] The extent of such occupied forest lands varies from state to state and is between 10 to 30% of the total forest land. While there is no bar to the regularisation orders issued before October 1980 when the Forest (Conservation) Ordinance was promulgated, it is not possible to issue any new orders in the future.

Attempts to evict tribal households from forests and the removal of encroachments have led to severe and at times violent clashes among the people and the police and forest officials. Though the law is on the side of the officials, tribal households have no other source of livelihood and refuse to vacate these areas inspite of severe oppression.

The problem defies solution, as increasing numbers of tribal households are displaced due to construction of dams and defence projects. Further, industrial complexes, in both the public and private sectors, are entering forest areas for habitation and cultivation. It is a general experience that rehabilitation plans, if any, are poorly implemented, particularly in tribal areas.

Consumption of forest produce by tribal households: Tribal communities, particularly those living within and near forests collect a number of commodities for self-consumption. These include fuelwood, fodder, timber for construction and repair of houses, herbal medicinal plants and food items like wild fruit and vegetables, fish and small game. In the recent past, deforestation has adversely affected the supply of these items. In addition, plantations of teak and other revenue yielding species have reduced the natural forests that provided items for self-consumption.

Minor forest produce: What the FD calls minor produce includes produce that can be obtained without the felling of trees. For the scheduled tribes, however, it is the major avenue for employment and income. It is estimated that the non-wood forest produce provides employment for 28-30 million person years and the potential is upto 40 million person years.[8]

However, state governments have imposed several restrictions on the collection of some items of non-wood forest produce like tendu leaf. Rapid deforestation too is reducing the stock of several items of non-wood forest produce.

Development projects: Tribal areas are deficient in basic infrastructure facilities like roads, electricity and small dams. While big projects get central government clearance to work on forest lands, small projects like approach roads, laying of electricity poles or pipes to carry water are often delayed or rejected for want of sanction that became necessary after the passing of the Forest (Conservation) Act in 1980, in particular the amendment to the act in 1988. This has adversely affected the implementation of such projects in tribal areas.

Forest villages: After the enforcement of the Indian Forest Act in 1927, the government declared all lands not claimed by private individuals and agencies as forest lands and classified them into reserve, protected and village forests. To attract labour to work in forestry related activities, the governments gave lands to households for cultivation and also promised jobs. A number of forest villages were established. The lands allotted for cultivation were on a purely temporary basis and forest officials were to look after the administration of these villages.

After Independence, the inhabitants of forest villages realised that most villages lacked infrastructure facilities; nor could they get loans for development of agriculture as they had no title over the land.

7 Sharad Kulkarni. 'Encroachment on Forest lands' The Experience in Maharashtra', *Economic and Political Weekly* 14(45), 19 November 1979, pp 1846-49.

8 Amar Guleria and Tirath Gupta, *Nonwood Forest Products in India· Economic Potentials*, Oxford and IBH Pub Co , New Delhi, 1982, pp. 133-34

Around 1980, the government decided to convert forest villages into revenue villages. This was done in many states. However, not all the forest villages have been converted into revenue villages. In some villages, land has been given on a 15 year lease to enable the holders to obtain loans from banks.[9] Residents have agitated for the conversion of these villages into revenue villages. This conflict is particularly acute in Madhya Pradesh.

Protected areas: About 4.5% of the total land in the country is covered under protected areas, classified into national parks, wildlife sanctuaries and protected areas. The Wildlife (Protection) Act of 1972 provided for the administration of these areas. The act places several restrictions on the residents of villages in these areas. Efforts are also being made to relocate these villages outside such areas. These efforts have met with stiff resistance from the residents and violent conflicts have taken place in many places. Under pressure from the World Bank and the environment protection fund agencies, the government has tightened the restrictions on the hunting of animals included in the list of wildlife species, as also a number of economic activities. Consequently, development projects in these areas have been shelved.

Aware of these agitations the MoEF appointed an inter-state committee to review the act and other related laws. Voluntary organisations working with the people in protected areas have prepared an alternate draft and have made several suggestions to amend the act. The committee submit-

9 Letter No. F5–52/96/10/3 dated 15.3.1996 reproduced in Anil Garg, *Bhoomihino ke liye padvatra ke sandarbh* (Hindi) Satpuda Kisan evam Mazdoor Kalyan Samitee, (M.P) December 1999 p 24

ted its report to the ministry in 1997. However, the bill incorporating the committee's recommendations has still to be presented to Parliament. Tribal communities and others living in protected areas perceive themselves as victims of the act and resist restrictions imposed on them and in particular the attempts to evict them. This has resulted in tension and violent clashes between the residents and the police.

At this stage it is necessary to clarify terms like scheduled tribes and scheduled areas. Provisions relating to the administration of scheduled areas and scheduled tribes are included in the 5th Schedule to the Constitution. Article 342 empowers the President to specify the tribes, tribal communities or groups within tribes or tribal communities which shall be deemed to be scheduled tribes in relation to the state or union territory as the case may be. However, changes in the first list declared by the President can be made only by an act of Parliament. The first list was issued in 1950 and was later modified in 1956 and 1976.

Scheduled areas are those specified by the President on the recommendation of the Governor of a state or union territory. The Parliament can by law amend the schedule. Though it can be presumed that the scheduled areas will be those inhabited mainly by members of the scheduled tribes, this is not always so. The list of scheduled areas has also been amended from time to time. There are no scheduled areas in states like Tamil Nadu, Kerala and Karnataka though there are scheduled tribes in these states. Even in states where scheduled areas have been notified, there are many areas with a predominant tribal population that are not so notified. Less than 15% of the tribal population in

areas not covered by the 5th Schedule lives in scheduled areas.

The 6th Schedule has made provisions for the administration of states with a large tribal population. It is necessary to point out that the tribal population of these states is less than 10% of the total scheduled tribe population of the country. The impact of forest related laws described in this paper relates mainly to the tribal population in states not included in the 6th Schedule. It is also not limited to the scheduled tribe population in the scheduled areas. It highlights the impact of laws on the scheduled tribe population all over the country. The impact on the tribal population in states included in the 6th Schedule is not as severe as those in other states mainly due to the composition of the governments in these states. However, there is no reason to believe that the tribal population in the scheduled areas is less affected by forest related laws than in the non-scheduled areas.

Tribal communities have been ignored and even oppressed by forest related laws since their enactment during British rule. Their sorry plight continued after Independence, especially after the enactment of the Wildlife (Protection) Act and the Forest Conservation Act. The adoption of the National Forest Policy Resolution, 1988 provided a ray of hope. The adoption of joint forest management further fortified this hope. However, there has been no change in the laws to bring them in conformity with the resolution.

The government must take immediate steps to replace the colonial forest laws and to amend the Wildlife (Protection) Act. Unless this is done, the plight of tribal communities may worsen, leading to conflicts and violence. One hopes that the government will move before it is too late.

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The fragile coastline

DEBI GOENKA

INDIA is blessed with a bountiful variety of habitats; from the coast to the Himalaya, the diversity of India's natural habitats is virtually unmatched. What is sadly lacking is the will of the people to protect this rich diversity. Unfortunately, even decision-makers have failed to realise the importance of protecting our natural assets. The link between forests and water conservation is still a mystery to our political leaders and bureaucrats, despite year after year of drought invariably followed by floods. Similarly, the role of wetlands and the fact that they are some of the most productive ecosytems in the world has still to be recognised in practice. Above all, the fact that our coastal zones are among the richest and biologically most productive areas is still to be appreciated.

Basically, the coast is the interface between the land and sea. The beaches and inter-tidal zones are literally areas where the transition from land to sea, or sea to land, takes place. That the first life forms evolved from the sea, and gradually migrated to land via the inter tidal zones is a fact few remember. Or that several tens of millions of people depend on the coastal bounty for their survival and not on

non-existent rations in a non-existent PDS, is a factor that does not seem to affect decision-making.

I still remember with horror a site trip to the neighbouring Raigad district in 1983. We had been invited by the state government to accompany a group of government officers and industrialists who were being taken around by the Collector to identify sites for locating coastal industries. One of the first sites shown to us was the beautiful beach at Mandwa. I still cannot decide whether the Collector was serious or joking when he said the beach was suitable for ship breaking! But worse was in store – we were taken to the Rewas jetty (which is surrounded by a vast expanse of mangroves) and the Collector proudly informed the group that about 100 hectares of land could be made available for industrialisation by reclaiming this 'wasteland'.

There was general disbelief when I pointed out the crucial role of mangroves in the marine ecosystem – the fact that they provide invaluable and irreplaceable habitats for a wide range of breeding fish, that they provide nutrients to marine life, that they act as land builders and protect the

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coast from storm damage and erosion. All these factors meant little to the government officers or to the industrialists. The suggestion was dismissed with a shrug and a remark that industries were more important than mangroves. Looking back in time, I think it was a crucial day for many of us, and the battle to protect the Raigad coastline was joined How this led to the battle to protect Murud Janjira and the Coastal Regulation Zone notification itself, I will come to later. Let me first deal with the legalities of coastal protection in India.

India is probably the only country in the world that has legislation in place for protecting the entire coastline of the country. And it is not only the actual coastline that is protected but also the land between the high tide line (HTL) and the low tide line (LTL) as well as the land extending to 500 meters from the highest HTL. Indeed, 19 February 1991 will go down as one of the greatest and most glorious days for the protection of the country's coastal environment. It is on this day that the Coastal Regulation Zone (CRZ) notification was issued by the Government of India, Ministry of Environment and Forests (MoEF).

The coastal regulation zone notification is without doubt one of the most forward looking pieces of legislation in India. Not surprisingly, it is also one of the most controversial of our environmental laws. The genesis of the CRZ notification lies in a letter written by Prime Minister Indira Gandhi to chief ministers of all coastal states on 27 November 1981, directing them to ensure that the entire coastline of India should be protected from environmental degradation. In the letter, Indira Gandhi also stated that the 500 meter strip of coastline should be kept free of all unnecessary development.

The chief ministers were simultaneously asked to prepare a coastal zone plan for the entire state for approval by the central government. Not surprisingly, almost everyone of them immediately wrote back to her stating that this 'directive' would be enforced. One chief minister even suggested that the 500 meter strip would be inadequate and it would be necessary to protect an area of 1000 meters. Unfortunately, since the prime minister's directive had no legal/statutory basis, it was never seriously enforced anywhere in the country.

As long as Indira Gandhi remained in power, some semblance of enforcement was observed. The moment she was out of power, all intentions to comply with this directive disappeared. The directive itself was conveniently forgotten by the state governments. For them, it was back to business as usual. Every state government resumed the indiscriminate approval of industries, residential buildings, commercial complexes and so on, wherever permissions were sought. In the state of Maharashtra, the Kharlands Board continued to reclaim coastal wetlands for the cultivation of salt resistant varieties of paddy – in the process, thousands of acres of mangrove ecosystems were destroyed.

Needless to add, not one state government even attempted to prepare the coastal zone plan; in the case of Goa, which was then a union territory, an attempt was made by the administration to prepare a plan, but this document too never really saw the light of day.

Briefly, the CRZ notification stipulates that the coastal zone should be divided into four categories: CRZ I is defined as (i) areas that are ecologically sensitive and important such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty, historical/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the central government or the concerned authorities at the state/union territory level from time to time; (ii) area between the low tide line and the high tide line.

No construction or any activity is permitted within 500 meters of such areas. However, in the case of land between HTL and LTL which is also classified as CRZ I certain activities (such as laying of pipelines) are permissible.

CRZ II is defined as areas that are within the limits of legally designated urban areas, substantially built up and provided with infrastructural facilities such as drainage and approach roads, water and sewage mains, and so on. CRZ III is defined as those that are neither within I and II. CRZ IV category is applicable to islands.

The CRZ notification stipulates the types of prohibited and permissible activity. It also stipulates that a coastal zone management plan (CZMP) should be prepared and submitted to the MoEF for approval within one year of the date of the notification, i.e. by 19 February 1992. Until such time as the CZMP is approved, the state governments are directed to strictly implement the provisions of this notification.

What is significant is that in 1991 the CRZ notification was not supported by any state government. The MoEF itself was under terrific pressure, and totally unable to withstand it. The officer who conducted the

hearings and drafted the final notification can be thanked for the horrendous ambiguity and lack of cohesion that emerged from the battering the draft notification got from the state governments. Looking back, it now seems incredible that a notification like this, though castrated in many ways, got gazetted at all.

The ambiguities and inconsistencies in the notification, and there are several, have been capitalised upon by builders, industrialists, hoteliers, state governments, port authorities, highway authorities, and all the other lobbies whose only interest is to locate their projects along the coastline. However, these inconsistencies and ambiguities can still be easily resolved if one accepts that the notification was brought in to protect the coastal environment.

Since the notification was enacted, the Bombay Environmental Action Group and the Goa Foundation are the two NGOs that have actively fought for the implementation of the CRZ notification at the grassroots level. Between them more than 50 cases have been filed in the Bombay High Court only on CRZ. But repeated attempts were made to destroy the CRZ notification in our courts. Fortunately, the boost from the Supreme Court in upholding the CRZ notification in 1996 made a tremendous difference. I still remember one memorable day in the Bombay High Court when, despite the Supreme Court order, every line of the CRZ notification was dissected with the primary objective of establishing the fact that this notification could be applied only to industry!

What is shocking is that not one state government had prepared a CZMP even by mid-1993. This provoked a writ petition in the Supreme Court by the Indian Council for Enviro-Legal Action. It was only following a series of orders from the Supreme Court that the MoEF and the state governments woke up from their slumber. Finally, on 27 September 1996, the CZMPs were conditionally approved by the MoEF.

The state governments were asked to collect various types of information from sources specified by the MoEF, and superimpose these on the maps approved by the MoEF. Thus, for example, information regarding the breeding grounds for turtles was to be collected from the Wildlife Institute, Dehra Dun; information about mangroves, mud flats, coral reefs from the Space Application Centre, Ahmedabad, and so on. A two month period was provided for this purpose. However, not one state government has submitted the final CZMP to the ministry.

In the interim, what is happening? One has to only look at different parts of the coastline to realise that little has changed. The municipal corporation of Greater Mumbai has destroyed two extensive patches of mangroves for setting up sewage treatment plants and aeration lagoons. The Mumbai Metropolitan Regional Development Authority continues to busily reclaim land in the Bandra-Kurla complex in total defiance of the CRZ notification and orders of the Supreme Court. So is the case in New Mumbai.

Reclamation is still going on in Versova and Malad. The BSES power project in Dahanu continues to discharge fly ash and bottom ash within the inter-tidal zone, and the Dabhol Power Company has merrily dumped thousands of tons of soil into the creek and reclaimed land for its power project jetty. Hundreds of illegal buildings have been constructed within the CRZ areas after 1991. In Mahim Bay, when the MoEF gave clearance to the Bandra-Worli 'sealink' project, the project proponents were permitted to reclaim not more than 4.7 hectares of land for the toll centre. And guess what has actually happened? About 30 hectares of land has been brazenly reclaimed in total defiance to the law, and orders of the Supreme Court to strictly implement the CRZ notification have been conveniently and completely forgotten.

Another major threat to the coastline has been the aquaculture projects. Supposedly meant to increase marine exports, these projects have been environmental disasters. Many of the aquaculture projects have come up in areas that were rich in mangroves. The first step has been to invariably build embankments with the intention of blocking the flow of tidal water and thus killing the mangroves. Second, to maintain the salinity of the sea water at the desired levels, the ground water is ruthlessly exploited to compensate for evaporation losses, thus depriving the local communities of their drinking water sources. This form of over-exploitation also results in salinity ingress.

Finally, since modern high-tech aquaculture centres rely on high dosages of nutrient feed laced with antibiotics to maintain high growth rates, the impact of the wastes that are pumped out into the natural ecosystem are catastrophic. Not only is the local fish population decimated, but the spread of bacteria and infections ultimately results in even the aquaculture ponds being wiped out. And yet, hundreds and thousands of new aquaculture projects came up, particularly along the east coast, until the Supreme Court stepped in and put a stop to it. The government's response: a new Aquaculture Bill that will circumvent the Supreme

Court judgment and allow the destruction of our coastline to continue.

What is reassuring is that despite efforts at the highest levels, the CRZ notification still remains in force. Second, citizen and environmental groups all over the country are getting organised and are taking legal action against specific violations. Some state governments have finally realised that the protection of the environment should be given priority. The role of the mangroves in mitigating the impact of the recent cyclone in Orissa has fortunately been realised. Preliminary surveys carried out a few days after the 'super cyclone' devastated the coastal areas of Orissa in 1999 indicated that areas with good mangrove cover suffered minimal damage as compared to those areas that had destroyed their mangroves.

Rather than opposing the CRZ notification and asking that it be further relaxed or scrapped, it would be desirable if the state governments appreciate the importance of protecting the coastline. The basic approach should be to restrict new development within the CRZ to the bare minimum and allow only those activities that are essential.

CRZ I areas in particular, should be scrupulously identified and protected. It is imperative that any fresh investments along the coast be critically examined keeping in mind the fact that vast stretches of our coastline would probably be submerged within the next 30-50 years as a consequence of global warming. Storm/cyclone damage is also likely to escalate over the years.

A report on the impact of global warming on coastal areas should be entrusted to NIO. This information is already required to be collected by the state governments as stipulated in the conditional approval of the CZMPs

by the MoEF vide its letter of 27 September 1996. However, there seems no harm if the MoEF independently commissions NIO to do this study for the entire country. A study is urgently needed to establish the mitigative impact of mangroves in minimising the cyclone damage in Orissa. Only genuine local inhabitants should be permitted to expand their dwelling units to cater to natural growth – outsiders should not be allowed to masquerade as locals.

The notification needs to be redrafted to remove the legal loopholes and ambiguities. However, if it is accepted by all that the basic intent of the notification is to protect the environment and the coastal areas from the impact of unwanted activity, there is actually little ambiguity. Coastal zone management plans require to be prepared on a scientific basis by an institution that enjoys credibility within and outside the government. There is also a need to establish the links between reclamation and erosion. Reclamation, if allowed at all, should be kept to the bare minimum and allowed only if is absolutely unavoidable.

People must also be made aware of the fact that global warming is now a reality. The effect of climate change as a result of global warming will result in the rise of sea levels. At a national level, such changes could lead to the submergence of vast areas of Bangladesh, leading to a massive influx of ecological refugees into India. Cities like Mumbai, which in any case get submerged with 15 centimeters of rainfall, will also be affected. As I never fail to point out, automobile pollution would not be a problem in Mumbai 50 years down the line; not because automobiles would be nonpolluting, but because we will all be commuting by boats.

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Customary law

B J KRISHNAN

'*Justice has emanated from nature. Therefore, certain matters have passed into custom by reason of their utility. Finally the fear of law, even religion, gives sanction to those rules which have both emanated from nature and have been approved by custom* '

—Cicero

THE linkages between people and nature are as old as humans themselves. Long before the rise of modern global society, communities throughout the world prospered by husbanding natural resources in an attempt to adapt to the local natural environment. In the process, a wide-ranging body of knowledge, innovations and practices evolved, inextricably linked to the use of natural resources. It enabled most communities to live within the limits of their local environment and contributed to shaping their cultural and spiritual identity as well. Any effort to conserve nature and ecosystems, therefore, must take into consideration the interface between nature and culture.

Local communities, representing a significant part of India's population, are rooted in their immediate environment and their social organi-

sation is woven round the management of their environment with their culture elaboration taking place primarily through interaction with the immediate natural environment. These communities depend on local natural habitats for their biomass needs and natural resources. They have depended on their immediate natural environment for their survival for long and consequently developed a stake in conserving the local resources base.

As a result of long and continuous usage of natural resources, these communities have acquired a broad knowledge base of the behaviour of complex ecosystems of their locality. 'This cumulative body of knowledge and beliefs handed down through generations by cultural transmission about the relationship of living beings, including humans, with one another and with their natural environment,' is the indigenous knowledge. The indigenous knowledge and belief system determined the cultural ethos, value system and worldview of the community. This worldview, treating man as a strand in the web of life, was naturally conducive for nature conservation. This is indigenous wisdom.

But the entire process had its origin in the 'usage' of natural resources. Law, which is the product of a rather complex process of socio-political organisation was unknown, at any rate in its present sense in the 'primitive' ages when society was not, as at present, a collection of individuals but an aggregate of families. There was no king or sovereign to frame rules or set laws for families. One family was independent of another and followed its own head, whose will or pleasure was 'law' unto its own members. Only when the families expanded and evolved into a 'community' and 'community' into 'society' were rules and

principles established for the guidance of members. And most of these rules and principles had their origin in the 'usage' or 'practice' of natural resources of the community. The long and continuous usage by the community of the natural resources of the locality evolved into customary practices. And when customary practice from long usage obtained the force of law, it becomes customary law. A clear understanding of this 'process' led the Roman thinker and philosopher Cicero to trace the origin of most of the social laws to nature.

India was (and continues to be) a biomass-based civilization. The local communities of the independent 'village republics' of the 19th century had a locally defined physical environment and natural resources of their own to protect, care for, improve and sustainably use. People's links to earth were simple and harmonious and the common natural resources were regulated through diverse decentralised community control systems.

The forest was the home of compact tribal communities, like the Nilgiri Todas. Rural communities dependant on subsistence agriculture lived in organised villages. These agriculture based rural people depended on their neighbourhood forests for a variety of products and services. It was a case of harmoniously integrating the domesticated rural economy with that of the natural ecosystems for the subsistence survival of the rural folks.

Forests and other natural ecosystems were considered to be social commons of the locality. But the taking over of their forests and other village commons by the colonial forces resulted in depriving the community access to and control over their 'neighbourhood nature-catchment reserves. Most of these forests were treated as reserve forests under the Indian For-

est Act and the people found inside the forests were termed trespassers; further, the trespass was punishable under the said act. However, notwithstanding the statutory ban and bar, local communities continued to live in the forest and depended on non-timber forest produce for their survival. People were governed and guided by certain ground rules in the exploitation of non-timber forest produce. Traditional and customary practices in the usage of natural resources shaped the ground rules of sustainable use.

On the rural-agricultural front, it was a subsistence economy. And for the compact forest communities it was more than mere survival dependence on their habitat, the forests. These communities had to use their terrestrial, marine and aquatic bioresources for a variety of economic, cultural and religious purposes. The rich oral library of indigenous knowledge and cultural control processes had co-evolved with the customary use of natural resources, helping most of the communities avoid over-exploitation and live within the limits imposed by their availability.

Self-imposed limitations on forest clearance, restriction on hunting, taboos on hunting or harvesting certain species, protection of sacred groves for religious reasons, rotational use of catchment areas (hunting and fishing reserves), lineal ownership of nature zones and use of appropriate local technologies which lower the impact of use or even increase biodiversity, are some examples of cultural controls. Traditional and customary practices of local communities in the usage of natural resources, on the whole, were conducive to the conservation of natural environment with minor exceptions.

Ancient custom is generally regarded as providing a foundation for

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many laws in most systems of jurisprudence and for reasons grounded in principle and justice. In Indian jurisprudence, immemorial custom is not merely an adjunct of ordinary law but a constituent part of it. In Hindu law, immemorial custom has *proprio vigore*, the efficiency of law. Custom has its origin in usage. A custom is a usage by virtue of which a class of persons belonging to a defined section in a locality are entitled to exercise specific rights against certain other persons in the same locality.

There can be usage without custom, but no custom without usage. Usage is inductive, based on consent of persons in a locality. Custom is deductive, making established local usage a law They are often used interchangeably though custom was originally confined to local usages immemorially existing.

Custom, if the law is to uphold it as right, should be immemorial in origin, certain, reasonable in nature and continuous in use. Both national and international courts play an important role in the application of custom. The court by its imprimatur will attest the 'jural quality' of the custom. When a customary right is upheld by the court it becomes customary law. But to obtain that legal status, the custom must be ancient, certain and reasonable and, in derogation of the general rules of law, be construed strictly.

A custom must be ancient, immemorial: The court of law recognizes only those customs that are prevalent from ancient times. A custom, in order to be binding must derive its force from the fact that by long usage it has obtained the force of law. But the rigid standard of the English common law are not strictly applied to Indian conditions. All that is necessary to prove is that the usage has been in practice for a long period and with such invari-

ability that it has by common consent been submitted to as the established governing rule of a particular locality. The right must be proved by clear evidence showing a continuous user as of right, *nec ni nec clam nec procario*. It should not have been exercised under a permission. In a Madras case, the right to catch fish in a tidal river at a certain place by putting stakenets across the river was claimed on the basis of a custom and was held established as customary right of the locality on proof of thirty years use.

Custom must be reasonable: A custom derives its validity from being reasonable at inception and present exercise. The Indian decisions are in harmony with the English authorities. Menoor v. Dènne and Tyson v. Smith, which elaborate on the reasonableness of customs. A customary right, namely the right to take earth for making pots, was claimed by the kumbhar community of a village and upheld in the Nagpur case of Bhiku v. Shooram, though it was a case of profits. In State of Bihar v. Subodh Gopal (AIR 1968), the Supreme Court held that a customary right in the exercise of which the residents of a locality were entitled to excavate stones for purposes of trade (and not for domestic or agricultural purposes) would *ex facie* be unreasonable, because the exercise of such a right ordinarily tends to the complete destruction of the subject matter of the right. The custom was therefore unreasonable.

Custom must be certain and invariable: The court will not recognise a custom as valid unless it is certain in its extent and mode of operation. The requirement that a custom should be certain is also expressed by saying that it should be definite, or that it should be invariable.

Other features: (*i*) Customary rights are not public rights. Public

rights are in favour of the general public at large, but a customary right is in favour of a limited section of the public, like the inhabitants of a village or members of a community. The way in which a public right arises is known as 'dedication'. (*ii*) Customary rights are rights partaking of some of the characteristics of an easement, but are not easements in the proper sense; customary rights are not appurtenant to a tenement but exist in gross, i.e., they are not for the beneficial enjoyment of a dominant heritage but exist for a personal benefit. Easements are private rights belonging to a particular person while customary rights are public in nature annexed to the place in general. Customary right are specifically excluded from the purview of the Indian Easement Act, 1882.

When the courts in India recognised customary rights based on long usage, they become customary laws. These customary laws were the creation of Indian courts. Customary rights, by definition cannot be the creature of a written instrument. Neither were the principles of customary laws codified nor were the said customs listed out separately by legislation in India. However, customary rights were recognised as early as 1872, when the Indian Evidence Act was enacted. Section 13 of the act deals with the facts relevant for the proof of customary law. The Indian Forest Act 1927, under Sections 12 to 16 recognises rights to pasture and forest produce at the stage of settling rights before a given area of forest is classified as reserve forest. These rights are, no doubt customary rights. But these rights were seldom transformed into customary rights in the field. The reasons were twofold. Either the forest dependant communities were ignorant about their rights or the settlement officers, with their narrow and rigid

pre-establishment mindset, were not inclined to grant such rights to the people. However, it should be admitted that the early colonial legislations enacted over a century ago did recognise customary rights, though such legislations were very few.

The Constitution of India, under Article 13, treats customary law along with other branches of civil law. A custom or usage if proved would be law in force under this article. These customary rights having the force of law can be taken judicial notice by courts under Section 57 of the Indian Evidence Act 1872.

Community level customary laws evolved out of area-specific traditional usage and practice. Hence they reflect the cultural ethos and traditions of the local people. Since these practices had emerged out of specific natural environments, they supported local livelihoods. These practices helped the local communities to be self-reliant and self sufficient, since their needs were few. However, with the advent of colonial rule and introduction of formal legislative laws, customary regulations gradually receded to the background.

During the colonial era, Indian courts attempted to formulate a more rational legal framework into which the customary rights could be integrated In the absence of guidance from any substantial legislative law, it was left to the courts to develop customary laws as a new branch of civil law. However, most of the decisions rendered by the courts in the context of customary laws related to either hereditary offices or religious ceremonies. Though areas like community commons, community conservation and the corresponding traditional resource rights (TRR) clearly came under the purview of customary rights, these issues were seldom

brought before courts for adjudication. The reasons were not far to seek. All disputes relating to the issues were sorted out in community panchayats. Also, the community did not recognise the jurisdiction of any outside institution to preside over their community resource disputes. And on their part, the colonial courts, with their Anglo-Saxon jurisprudence orientation in respect of ownership issues, were unable to understand the complex issues of community ownership and the custodial association related with ownership.

Custodial association is much more than community conservation of natural resources. Compact communities of India still have a concept of 'custodial association' with their community controlled natural commons. This man-nature relationship of custodial association represents the 'best and highest' in community conservation. This customary practice of local communities is well illustrated by the Toda tribe of the Nilgiris. The ancient pastoral Todas have lived on the upper plateau of the Nilgiris for centuries. They believe that they and their unique hill buffaloes were created on the Nilgiri hills (of Western Ghats) by their great Goddess Tokissay The rolling mountain grassland with the shola forests in their fold was the homeland of Todas where they have grazed their buffaloes for generations. Many of the high peaks, shola forests and streams are in one way of another enshrined in their myths and legends and are sacred to the tribe. Therefore, the Todas, who are vegetarians, would neither hunt animals nor till the earth for agriculture. Their association with their habitat was 'custodial' in nature.

Their custodial association is a contribution of 'custodial responsibility' and 'custodial right' with

endowments of nature. This custodial association is deeply rooted in their ethical philosophy. It would be incorrect to project this association only in terms of control over resources. Nature is not just an ensemble of resources; it is much more. This association is in the nature of custodial relationship among the members of a family. Todas are part of their habitat, a strand in the web of nature. This unique relationship was reflected in their use of natural resources and manifested in their traditional and customary practices.

For the Todas it was more a 'customary duty' than a 'customary right'. Little wonder, even the rigid Englishmen who set their foot on the Nilgiris, later recognised the customary rights of the Todas to their homeland. These rights were incorporated in the Tamil Nadu Forest Act 1882 as Toda Patta Lands by the colonial legislators, a right exercised by the unique Todas even today. Is there any scope for revival of customary law, which in turn can create some more space for community based conservation?

Centralised administrative institutional control, complete bureaucratic hold on natural resources, rigid forest legislations that offer little space for people's participation, the present economic paradigm based on liberalisation and globalisation, and an ignorance and indifference of the relevance of conservation oriented customary laws at the administrative and judicial levels are some of the major constraints on the revival of customary laws. However, there is a silver lining on the horizon, both in relation to international and domestic law. Based on both hard conventions and soft declarations, Public International Environmental Law is emerging as an independent and distinct discipline of environmental jurispru-

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dence. Also, there are judicial decisions of Commonwealth countries that are conducive to customary law and community conservation.

The Convention on Biological Diversity (CBD) adopted at the Earth Summit (1992) brought conservation of biodiversity to global centre stage. The convention, which has been ratified by India, ordains that nations should respect, preserve and maintain knowledge, innovations and practices of local communities relevant for conservation and sustainable use of biodiversity. The Rio Declaration on Environment and Development, Agenda 21 and Forestry Principle – other soft declarations adopted at the Earth Summit – also encourage the promotion of customary practices conducive to conservation.

Convention 107 (1957) and Convention 169 (1989) of the International Labour Organisation (ILO) declare the right of indigenous people to their habitat. Not long ago, the Australian court in the Mabo case, declared that the community title over community commons was superior to crown title. At the domestic level, the Indian Forest Policy Statement (1988) recognises the relevance of customary rights and practices of local communities for the conservation of nature.

The Constitutional 73rd and 74th Amendments are giant steps in regard to community conservation based on customary law. They pave the way for self-rule for local governments. Under Article 243G, state governments are required to devolve power and authority to local governments to enable them to function as institution of self-government with reference to matters in the 11th Schedule of the Constitution. Subjects, including social and farm forestry, soil and water conservation are listed out in the said schedule. The Panchayats (Extension to Schedule Areas) Act of 1996 mandates that states shall not make any law under (Part IX of the Constitution), which is inconsistent with customary law, social and religious practices, and traditional management practices of community resources.

The Supreme Court in M.C. Mehta v. Kamal Nath and others (1997-ISCC 388) had ruled that the 'doctrine of public trust' applies to natural ecosystems and the government as public trustee should protect the same for the benefit of the society at large and that private commercial and industrial establishments should not be allowed to misappropriate them. The judgement is a reassurance of peoples right to their commons. The common-land case of Karnataka represents another case of people's resistance to the takeover of common property resources by the state for the benefit of commercial corporations.

Communities in many places are regaining control over natural resources. The accelerated loss of natural biological resources represents not only a loss of species and ecosystems, it also tears apart at the very fabric of human cultural diversity which has co-evolved with, and depends on, their continued existence. As the communities, cultures, languages and harmonious customary practices of local people die out, lost forever is the vast library of 'biodiversity related knowledge', accumulated in some cases over thousands of years. Revival of community customary practices conducive to community conservation assumes significance in such a scenario. What is lacking is the political will and social determination. Global civil society can certainly shape the socio-political forces in this regard.

International obligations

PRABHAS C SINHA

INTERNATIONAL environmental law aims to evolve an integrated legal approach to environmental management and solve environment related conflicts at regional and global levels. The negotiation of resolutions or recommendations or declarations in important global forums often carries normative weight and facilitates their entry into customary law. The 'soft approach' of a nonbinding framework or 'umbrella legislations' becomes a step on the way to 'hard law' in the form of conventions or agreements or treaties or protocols. Gradually, it incorporates elements of responsibility, liability and compensation followed by penalties, sanctions, implementation and dispute settlement. However, the changing institutional structure of international cooperation and governance has created new trends where conference of parties (COPs) and systems of implementation reviews (SIRs) have become vital elements. Regional laws, bilateral agreements and national instruments play a complimentary role.

Today, the world has more than 200 international environmental laws, about 600 bilateral agreements and more than 150 regional legislations (mostly European Union). Institutions like the United Nations and its specialized agencies; international non-governmental organizations (NGOs) like the International Union for Conservation of Nature (IUCN), Friends of the Earth (FOE), Greenpeace International, World Wide Fund

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for 'Nature (WWF); regional institutions like the European Union (EU), the Commonwealth, Association of South East Asian Nations (ASEAN), Organization of African Unity (OAU), South Asian Association for Regional Cooperation and so on, as also special purpose institutions like the International Whaling Commission (IWC), International Seabed Authority (ISA), International Tribunal on Law of the Sea (ITLOS), facilitate implementation of these environmental laws.

These institutions have gone beyond providing the normative standards to guide behaviour of particular countries or regions to address various modalities for their effective and timely implementation. Today, the global community has accepted the 'Framework Convention-Protocol Approach' to further consolidate the hitherto unwieldy patchwork of international legal instruments, although they are yet to strongly stress 'issue-linkage' such as environment and human rights, environment and trade, or environment and security. The broad areas where international agreements on environment have focused include the atmosphere, hazardous substances, marine environment, terrestrial resources, nature conservation, nuclear safety and transboundary resources. Similarly, the key principles followed include sustainable development, intergenerational equity, common but differentiated responsibility, prior informed consent, precautionary principle, polluter pays principle, and permanent sovereignty over natural resources.

To understand the impact of international environmental legislation on Indian environmental laws, we need to analyse their relationship. India, by becoming a signatory to an international environmental instrument, commits to its adherence and compliance at the national level. As early as

1939, India ratified the 1933 London Convention Related to the Preservation of Fauna and Flora in their Natural State. In 1952, it ratified the 1951 Rome International Plant Protection Convention. To fulfill international obligations resulting thereby, Article 253 of the Constitution enables the Indian Parliament to enact laws in this regard. Article 253 reads:

'Notwithstanding anything contained in the foregoing provisions of this chapter, Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with other country or countries or any decision made at any international conference, association or other body.'

Second, India, by becoming a member of the aforementioned institutions and by giving reference to the principles and practices of international environmental laws, expresses its support to certain environmental instruments. For example, the Indian courts, in particular the higher ones, regularly cite some of these instruments and refer to their provisions while passing a verdict on certain environmental issues.

If one were to name a single international environmental conference which had the deepest impact on the codification of Indian environmental laws, it would be the United Nations Conference on Human Environment, popularly known as the Stockholm Conference, held in 1972. It made 109 recommendations w.r.t. 'Action Plan for Human Environment' and adopted 26 principles w.r.t. 'Declaration on Human Environment'. It was the largest ever international conference with representation from 113 countries and 400 NGOs. Some of the important principle delineated there and subsequently incorporated by India include:

(*i*) States have sovereign rights to exploit their own resources and pursue their own environmental policies; (*ii*) States are responsible to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states; and (*iii*) International matters concerning the protection and improvement of the environment should be handled in a cooperative spirit.

Similarly, some actions plans significant from the Indian perspective included environment and development, natural resource management, identification and control of pollutants of broad international significance, the risks of nuclear energy and environmental impact assessment. It was only after participating in the Stockholm Conference that the Indian Parliament enacted the 42nd Constitutional Amendment Act whereby specific provisions for environment protection were inserted in the form of Fundamental Duties and Directives Principles of State Policy.

Article 48(A) imposes a constitutional obligation on the state to protect and improve the environment and safeguard the forests and wildlife of the country. Article 51(A)(g) imposes a constitutional obligation on the citizens of India to protect and improve the natural environment, including forests, lakes, rivers and wildlife and to have compassion for all living creatures. Indeed, it would be no exaggeration to comment that Article 48(A) and 51(A)(g) laid down the foundation for sustainable development by outlining a blueprint of social and economic betterment and by providing guidelines for protection and improvement of the environment.

Not only that, prominent environmental laws viz. the Water Act (1974), the Air Act (1981) and the Environment Protection Act (1986) were also

enacted in pursuance of the powers conferred by Article 253 of the Constitution, mainly to implement the decisions taken at the Stockholm Conference in 1972. The Air (Pollution Control and Prevention) Act, 1981 in its preamble clearly mentions that this act was enacted to implement the decisions reached at the Stockholm Conference in so far as they relate to the preservation of quality of air and control of air pollution. Radically departing from the earlier approach, this act contained stringent measures in the form of Section 40(1) which provides for prosecution of offences committed by a company or person who, at the time the offence was committed, was directly incharge and was responsible to the company for the conduct of the business. Till today EPA (1986) remains India's most significant and compressive environmental legislation, enacted to enable coordination of activities of various national authorities concerned with environmental protection and preservation. Moving beyond the Water and Air Acts, EPA stresses both monetary sanction and provision for punishments including imprisonment for any violation of the act.

As significant as the Stockholm Conference was the Rio Summit. This 1992 UN Conference on Environment and Development was concerned with balancing environmental concerns and economic development. The Rio Declaration, i.e. Declaration on Environment and Development outlined 27 principles while Agenda 21, i.e. the Plan of Action consisted of 40 chapters. Its conventions on climate change and biological diversity generated enough heat at the national level to initiate codification of national legislations and their early implementation. After many drafts and redrafts since 1993, the Draft

National Biodiversity Act awaits Cabinet approval. Similar initiatives are underway for climate regime, biosafety and bio-piracy. Other principles and conventions negotiated under the preview of UNCED with significant impact on Indian environmental laws, include the Forest Principles (1992), the Convention on Desertification (1994), the Global Conference on Sustainable Development of Small Island Developing States (1994), and the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks (1995).

For an overview of the impact of other international environmental legislations on Indian environmental laws, one has to run through the various international environmental agreements to which India is a party. Some of the most significant ones include:

(*i*) International Convention for the Regulation of Whaling, 1946;

(*ii*) The Antarctic Treaty, 1959;

(*iii*) Convention on the Conservation of Antarctic Marine Living Resources, 1980; and

(*iv*) United Nations Convention on Law of the Sea.

Being party to the aforesaid conventions India staked its claim in the marine and Antarctic sector. In 1976, India proclaimed its Maritime Zones Act to claim 12 nautical miles (nm) territorial sea, 12 nm contiguous zone, 200 nm exclusive economic zone (EEZ) and rights over the continental shelf. In 1991 it promulgated the Coastal Regulation Zone (CRZ) Act under EPA (1986) to protect its coastal areas and is planning to come up with an Ocean Regulation Zone (ORZ) to protect and conserve its oceanic zones, at least till territorial sea limits. In 1981, it also enacted a law on regulation of fishing by foreign vessels in Indian waters.

(*v*) The Civil Liability for Oil Pollution Damage, 1969;

(*vi*) The Fund Convention, 1971; and

(*vii*) The International Convention for the Prevention of Pollution from Ships, 1973 and the 1978 Protocol (MARPOL)

Being a party to the aforesaid conventions, India has shown its commitment to regulated shipping and preservation and protection of the marine environment. The only notable convention in this category to which India has yet to become a member is the London Dumping Convention, 1972 and its 1976 Protocol. India needs to formulate national covenants to these instruments to facilitate implementation in the long run.

(*viii*) The 'Ramsar Convention', 1971 (on wetlands);

(*ix*) The World Heritage Convention, 1972;

(*x*) The Convention on Trade in Endangered Species (CITES), 1973;

(*xi*) The Convention on Migratory Species, 1979;

(*xii*) International Tropical Timber Agreement, 1983;

(*xiii*) FAO International Undertaking on Plant Genetic Resources, 1983; and

(*xiv*) The Convention on Biological Diversity, 1992.

India has shown its ongoing commitment to protect its flora, fauna, wildlife, forest areas, heritage sites, wetlands and biodiversity by becoming a contracting party to the aforementioned global conventions. The International Wetland Bureau has recognised no less than eight of the worlds largest wetlands in India for protection and conservation.

Similarly, by signing the Kyoto Modification (1992) of CITES, India has shown its commitment to 'integrated wildlife management programmes' and 'regulating traffic in

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wildlife' Migratory species agreements between range states are yet to be concluded, although substantive work is underway on wildlife corridors. Under ITTA, India has now changed its categorization from a timber producer country to a timber consuming one. Necessary steps have been taken to prevent international transfer of genetic material. Although national covenants to the aforementioned international instruments exist in the form of the Wildlife (Protection) Act 1972 (as amended in 1993), the Forest (Conservation) Act 1980, EIA Notification Act 1994, the Seeds Act 1966, and the Indian Patents Act 1970, there is increasing pressure to strengthen these laws by filling up the gaps and by formulating new legislations, particularly in the field of biodiversity.

(*xv*) Vienna Convention for the Protection of the Ozone Layer, 1985;
(*xvi*) Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 and its London Amendment, 1990;
(*xvii*) Framework Convention on Climate Change, 1992; and
(*xviii*) Kyoto Protocol, 1997 on Reduction of Greenhouse gases.

Thereby, India has shown its commitment towards air pollution control, reduction in emission of greenhouse gases and reduction in use of ozone-depleting substances, either by freezing their production or by phasing them out The Central Pollution Control Board (CPCB) plays an important role in laying down emission standards of various kinds. Besides strengthening the Air Act, 1981 and the Motor Vehicle Act, 1988, the government must enact new legislations in this field, as international pressure for compliance mounts.

Finally, The Convention on the Control of Transboundary Movements of Hazardous Wastes and

their Disposal (Basel Convention), 1989.

The national covenant, Hazardous Waste (Management and Handling) Rules, 1989 was enacted under Sections 6, 8 and 25 of EPA, 1986. They apply to hazardous wastes specified in the schedule and the rules give a detailed system of authorization for handling hazardous wastes. It requires the person handling the waste to follow a particular system of storage. It also requires the central government to prepare an inventory of disposal sites. Based on the regional EC environmental law, the 'Seveso Directive' and legislations enacted by many other countries, the government enacted the 'Manufacture, Storage and Import of Hazardous chemicals (MSI) Rules, 1989 under EPA, 1986. It identified 432 chemicals in Schedule I, 189 in Schedule II and 27 in Schedule III. High level controls apply to all sites using chemicals above the second threshold quality and require such sites to prepare and submit a 'safety report' akin to the British 'safety case'

To supplement such efforts, the Public Liability Insurance Act was enacted in 1991 and the National Environment Tribunal Act was brought into force in 1995. While the former focused on strict liability as against the age-old practice based on the Ryland v. Fletcher rule; the latter with *suo moto* power provided relief, compensation and restitution to victims of accident while handling hazardous substances and for environmental damages. Noncompliance of the Tribunal's directions or orders was made punishable with imprisonment upto three years, and a fine of Rs 5 lakh which could extend upto Rs 10 lakh or both.

India by becoming a party to the Uruguay Round, has to now analyse

the anti-environmental provisions of GATT. The prevailing crosscurrents between GATT and some major international environmental legislations such as the Montreal Protocol, CITES, CBD, ITTA, ICRW, Basel Convention, and the Kyoto Protocol need close national scrutiny. Agreement on Technical Barriers to Trade (TBT) and Agreement on Sanitary and Phytosanitory Measures too need further evaluation. Similarly, the two exceptions, Article xx(b) and Article xx(g), need reinforcement so that the GATT regime may not continue to place restrictions on trade to promote conservation goals.

India must understand it is not calamitous to be asked to ratify international environmental conventions which are inequitable. Rather the fact is that the bigger and more global issues which concern mankind get marginalised by a minority which assumes for itself a hegemony over the knowledge of what the priorities are for preserving the earth, the means to it, and consequently defines global concerns. In other words, the point is not one of signing on the dotted line or refusing to do so, but one of who decides the agenda, with what empirical, cultural and civilizational knowledge base, and with what kind of assumed right to either speak for the earth or for mankind.

To illustrate, after the 1972 Stockholm Conference, the UN set up the World Commission on Environment and Development (WCED) in 1984 to examine the environmental problems faced by the world with the perspective of the year 2000 AD. The WCED had a strong western representation with Maurice Strong as member and McNeill as General Secretary. No Third World input in the articulation of the environmental issues was thought necessary by this

World Commission. No wonder, in its 1987 Brundtland Report, though the commission did talk about conservation and protection of natural resources globally, it remained silent about acquisition and utilization of these resources by the developed nations. Even today, the natural resources protection and conservation laws are seen in isolation. They need to fit into the overall context of resource acquisition, utilization and distribution laws. Unless the ground rules with respect to acquisition of resources and control over technology to utilize the same are changed, the cause of protection of nature and sustainable development cannot be further advanced.

Contemporary international environmental law issues are beset with two types of problems, both procedural and substantive. On the substantive side it may be possible for India to intellectually articulate the norms that need to be adopted, or towards which the international community ought to be working. The point is by what procedure or process can India hope that such articulations will ever become matters for consideration as international law at any UN fora. The international environmental law making process is highly skewed during preparation of drafts as well as in the lobbying for their acceptance.

There remains an urgent need to democratise the international law-making process to ensure more effective participation of countries like India in the formulation of international environmental instruments. Increased strengthening of national laws and active participation in formulation and implementation of regional laws could be the other ways for India to enhance its chances of becoming a global player. In this context, treaties such as the 1985 ASEAN Convention on the Environment and the 1989 Commonwealth Heads of Government Langkwai Declaration on the Environment need to be re-evaluated and seriously considered. There is also an urgent need to commence negotiations for such conventions for the SAARC region. India must start bilateral negotiations with neighbouring countries who are party to similar international environmental legislations, in particular, those with inbuilt trade provisions. An active role in South Asian Seas Programme under the UNEP Regional Seas Programme may further boost the chances of regional cooperation.

Evolving coherent state covenants to national environmental laws and national covenants to international environmental legislations to which India is already a party or intends to become a party in near future would be a step in the right direction. Currently, one can only say that India has not benefited due to the impact of international environmental legislations over her national environmental laws. We need to take proactive initiatives to keep pace with rest of the world in this new millennium. ·

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Musings of a green judge

S D DAVE

A JUDGE on the Green Bench would often feel that, though being called upon to decide and pronounce upon something squarely within the arena of law, his prime concern and task, week after week, for an umpteen number of dockets landing on his desk, appears to be of striking a balance between the two most competitive concepts of the present-day world – environment and development – and that too at a belated stage. Neither the concern nor the task depend upon the stage of the proceedings; they remain consistent during the hearings – admissional, final or intermittent.

A judicial forum presupposes a question which requires adjunction. A green bench is no exception. But the fact that its role commences at a late stage circumscribes its jurisdiction. Something obligatory has not been done, something which stands prohibited has happened. A belated initiation of legal action follows a delayed recognition. The knock at the door is to sound an alarm. The green bench remains busy studying the situation and searching for solutions.

The functioning of a green bench reminds of the character and significance of the duties of a chastising class teacher. Regardless of the stage of hearing or the juncture of the events, immediate measures are ordered with a view to arrest further damage and salvage the situation. Fines are imposed and cash deposits or bank guarantees ordered to ensure the improvement and, thereafter, the maintenance of consistent good behaviour. Errant industrial units are subjected to *en masse* closures. Experts are invited for scientific study, opinion and advice on specified issues to seek solutions and make requisite arrangements, either interim or final.

The subjects for the study and solutions presented before a green bench are fairly varied. Notifications declaring forests, parks, sanctuaries, CRZ and green belts have not been translated into maps. Model industrial estates are devoid of safe effluent discharge systems. The common effluent treatment plants falter. Huge quantities of hazardous wastes are dumped on the land belonging to others or earmarked for other purposes. Industrial units function without pollution consents. Reverse boring is taken as a ready substitute for incineration. River and well waters are found to be polluted. Cesspool and soak pit percolation get mixed with underground potable water sources. Thousands of workers suffer from occupational

health hazards. Rag pickers are found collecting and transporting biomedical waste in the absence of disposal systems. The entire city is found enveloped by gaseous smells, emanating from unknown sources.

There are reasons for this methodology or pattern under which the judge has to function. The statute law governing the field is inadequate. The comparatively recent enactments for containing air and water pollution and for the management and disposal of hazardous waste and protection of environment do not constitute a complete rule book and are found wanting while answering the questions or meeting the challenges emanating from eventualities, either novel or unforeseen thus far. This is more apparent in the older legislations enacted for the conservation of forests and the protection of wildlife.

Judge-made law is scanty, rarely travelling beyond the facts, aiming at a just solution on the facts and circumstances of the case. Executive orders and actions prove to be incomplete and often create a backlash. Industry, trade and the developmental race do not merit a good behaviour certificate. Experts differ. The consents given by pollution control boards are valid for a specified time frame, and extensions depend upon the performance of the industry.

A green bench is also associated with the establishment of various projects meant for containing pollution and conservation of environment and ecology. Sewage plants, river cleansing projects, common effluent treatment plants, pipelines for discharge of effluents in estuaries and on the high seas, and potable water schemes are presented before the green bench for all-pervasive study, directions, installation and supervision. Air pollution caused by automobiles also demands study, collection of data qua the pollutants and wide-ranging directives to the state, the traffic police, schools and hospitals. Removal of hazardous industrial units from within the industrial zones and their relocation at safe sites are part of the agenda of a green bench.

The proceedings regarding such projects, though at times adversarial, are sought to be converted into a conciliatory frame. The green bench is obliged to hear the parties and understand the points of dispute and agreement so that ultimately a consensus could be reached. The process is dialogical, delicate and time consuming. The green bench is required to pass a detailed order, but much depends upon the cooperation of lawyers and the approach of the bench.

The green bench hears and decides a large number of public interest litigation (PIL) cases. The PILs help in drawing the attention of the bench to unattended situations; they furnish important and relevant data and suggest required measures. But the bench often feels that the PILs take too long a time for final settlement. Issues not really vital to the problem are projected. Personal interests are agitated in the guise of public interest. Corporate warfare is found to be lurking behind. The bench expects a PIL to be genuine, honest, and bringing forth real and relevant issues with the necessary data so as to ensure a speedy decision.

Corporate warfare, which annihilates the public interest, should be conducted before forums other than the green bench. The NGOs which bring a large number of PILs before the green bench are often unprepared. If only their actions were initiated after a detailed study, research and collection of relevant data, they would be better equipped and able to assist the court in a meaningful manner. The parties should ensure that the proceedings do not become issue joined and, consequently, adversarial. The PIL must proceed towards a final decision without undue delays and not allowed to slip into hibernation. The green bench expects this as essential to the survival of the institution of public interest law.

The enormous complexity of the issues involved, as also that these issues are likely to be with us in the future, obliges a green bench to earnestly desire concerned and conscious action from the involved parties. The first priority must be comprehensive legislative action. The prevailing environmental laws require to be studied afresh with the help of experts so that amendments could be made. The scheme of the enactments needs to be widened so as to cover the emerging issues. The enactments pertaining to forests, wildlife, marine parks and sanctuaries require to be updated, and systems for declaration, promulgation, maintenance and safeguard incorporated.

The green bench is often faced with rival contentions by the state and local bodies like corporations, municipalities and panchayats regarding their jurisdiction and accountability. Comprehensive changes in the laws and rules defining their role is an imperative.

Legislative action should be followed by clear state action. All notifications and orders should be in complete consonance with the situation created by the acts and rules. The notifications declaring forests, parks and sanctuaries should be translated in maps which should be provided not only to the concerned departments of the government but also the people **57** of the affected areas, NGOs, industry and labour organisations. These

changes must be reflected in the revenue, forest and park records. The boundaries of the rivers, creeks, seashores, beaches, irrigation reservoirs, dams and tanks must be ascertained, put on record and access to them made transparent. CRZ lines, especially pertaining to seashores and coastal areas, should be clearly specified.

Rivers, tanks and reservoirs providing potable and irrigation water, along with creeks, estuaries and open lands, both marsh and arid, have been made the recipients of industrial and domestic effluents, treated and untreated. The obligation of the local bodies is, at present, limited to ensuring filtration of the effluents. Their concern is how to increase the capacity of treatment plants. The existing mechanism is both inadequate and faulty, resulting in large scale pollution. The local bodies will have to be made aware and accountable for their functioning. All large local bodies like corporations will have to ensure that untreated effluents are not released in water bodies and that the odourless treated effluents are utilised for agricultural purposes. The state shall have to discharge the obligation of providing required tracks of wastelands for this purpose.

Worn out pipelines for sewage discharge and supply of potable water have proved to be a major factor in contaminating the water bodies. The cesspools and soak pits freely resorted to in the areas not equipped with drainage facilities have proved to be the main source of percolated contaminated elements, resulting in large scale incidence of disease and death. Adequate statutory and implementing measures need to be taken to check this, it cannot be ensured by judicial action alone.

A large number of existing industrial estates and townships remain under the supervision of the pollution control boards of the state government. Their functioning has come under increasing scrutiny of the green bench. The attention of the bench has remained drawn to their working as many units are found evading the prescribed norms. Often, the individual and common effluent treatment and discharge plants are found to be non-functioning even when under the supervision of the pollution control boards. Their working requires to be placed under greater executive discipline. The coming up of an industrial estate should, as a condition prior to their commencement, have effective effluent treatment and discharge facilities, both unit wise and collective. Industries that generate effluents and hazardous waste require a separate legislative and executive regime They need to be located in specified areas for effective management of pollutants.

Small hospitals, maternity homes, laboratories, blood banks and clinics, in both urban and non-urban areas are devoid of mandatory facilities for the disposal of biomedical waste. The big hospitals have also failed to set up and manage effective disposal systems. This has led to epidemic-like situations in these environments, as also a growing illegal trade in biomedical waste. The present methods of disposing unclaimed dead bodies, including those of still-born children, are not only ineffective but also against the norms of human dignity. Judicial intervention cannot be the sole remedy. All green benches would wish for a comprehensive legislative framework, encompassing all forms of waste and pollutants, and effective implementation thereof.

Poverty, coupled with lack of awareness, drives a large part of our labour force into work situations that induce high rates of morbidity and mortality. Legislative action is required to identify and subject such industries to a strict regime of preventive and protective rules and methods. Medical relief centres with adequate diagnostic and curative facilities are found non-existent even in large industrial units. Nor do these units provide workers with adequate protective gear or necessary training about its utility.

Air and noise pollution have reached their peak in our urban and industrial centres. Automobiles, crude combustion devices, sub-standard or substitute fuel, and the so-called innovations tampering with automobile engines have been noticed as prime factors behind increased air pollution. In the absence of any comprehensive legislation, the judge-made law has had to intervene and issue elaborate directions, but they have not been implemented in full measure. Only comprehensive legislative measures and their implementation can provide some relief.

The green bench is conscious of the fact that its duty does not end with the resolution of the immediate issues before it. Industry and trade will continue to expand; new issues demanding urgent attention of the bench will arise. Even resolved situations are likely to come up before the bench in the same or altered forms, just as interim and final arrangements will require periodic modifications. And sanctioned projects would require a fresh examination. Changes appear imperative. Relief measures for the affected people, including labour, shall have to be continued and improved. An expanding industry and trade would require repeated attention and direction. With new forms of technology, eventualities unknown and unforeseen are bound

to arise. The tasks of the green bench are, therefore, likely to be more complex; the validity of the institution is unlikely to diminish.

A green bench wishes and expects all this from its experience and an awareness that judicial action alone is not sufficient. Only if these measures are accomplished, we may be able, for the present, to strike a working balance between the desire for development and the need to protect our environment.

But what about the future? A green bench would like to pause and look back with a view to draw up a balance sheet of gains and losses. It may be comparatively easy to measure our economic and developmental gains. But what about the loss to the environment and our habitat? The state and the Union will have to find out how cultivable land has been lost to non-agricultural uses, the marshlands gone, the extent of so-called wasteland that could have been reclaimed, and the state of our forest and natural resources.

The state shall have to furnish reliable data on the land acquired, how much of it has been submerged by large dams, the number of tribal and peasant families uprooted and how and where they have been rehabilitated. The state must study the impact on families which are forced to migrate and resettle. We need to know about the type of plant, animal and bird life that has either become extinct or is endangered. We should know about the types of occupational diseases and their morbidity and mortality rates.

The state will need to discuss with citizens plans for the future and the intended measures, in the absence of which no meaningful discussion about our collective sustainable futures is possible. Is this mere wishful thinking on the part of a judge of the green bench?

Settling rights

SARBANI SARKAR

THE concept of state-owned natural reserves came into its own in 1872 with the creation of the Yellowstone National Park in Wyoming. Although established on utilitarian grounds and for protecting natural curiosities and wonders, it soon became the precursor of a protected areas system which swept across the post-Rio world to preserve depleting natural habitats and for the conservation of the genetic diversity of biological life.

In India, the protected areas network was actualised in 1972 with the enactment of the Wildlife (Protection) Act, which created two categories of state-owned protected areas: national parks and wildlife sanctuaries. State-owned natural habitats in India though came into existence earlier in the late 19th century, with the creation of reserved, protected and village forests by the British and with the passing of the Indian Forest Act, 1927. Historians commonly accept that the Indian Forest Act, 1927 was enacted primarily for economic and trophy hunting reasons with ecological considerations playing a minimal role.

The role of the state as landlord or estate owner created a dual problem. On the one hand, it imposed the British legal system on an ethnocentric legal order based on customary usage and norms and guided by ecological parameters. On the other, it paved the way for a western model of conservation inherently established on the duality of man and nature.

Post-colonial India has expanded the boundaries of state property, ostensibly for saving the remaining vestiges of natural habitats and genetic heritage for posterity, but has sustained the splitting of man and nature initiated by the British. The consequences are devastating, for residing within and around these state-owned natural habitats are millions of people dependent for their lives and livelihood, home and hearth on their natural surrounds and its resources. People who, culturally and emotionally, have evolved with nature and who perceive nature, wildlife and human life to be coexistent rather than discordant. State management undoubtedly has failed to stop the receding forest cover, the dwindling of biodiversity, the yawning expanse of conflict between the dependants of nature and the state. Instead, the chasm has grown.

The areas of conflict are wide and they range from the alienation of forest dwelling and dependant communities from the state and urban conservationists/wildlifers, the abrogation of the customary rights of these communities, including the spectre of displacement to the alleged harassment of the local people by officials of the forest department. There are rumours of forced evictions, loss of livelihood, lack of effective rehabilitation and compensation.

Simultaneously, a growing trend of deleting chunks of forests and protected areas for industrial and com-

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mercial purposes has been steadily undermining India's last vestiges of natural wealth. To this must be added the menace of contractors, middlemen and poachers, who mercilessly seek to plunder both the people and wildlife. A primary cause has been the incoherence and inadequacy of law, an important dimension being the procedural aspect of law of which the provisions for the settlement of rights in Sections 19-25 of the Wildlife (Protection) Act, 1972 have created maximum confusion and distress, both for the local communities living in and around the forests and for wildlife.

Rights and property: The procedures for settlement of rights enshrined in the Indian Forest Act, 1927 and the Wildlife (Protection) Act, 1972 have been adopted from the Land Acquisition Act, 1894, which enabled the state for the first time to acquire large tracts of land for 'public interest' as government property. The notion of 'property' and 'rights' as described in modern law did not exist in India prior to the advent of the British. Natural resources were shared in common by the rural and tribal people, i.e. those who inhabited land in and around forests as well as noblemen, royalty and the townsfolk. The notion of legal ownership as understood in modern law was absent and forest dwelling and forest dependent communities enjoyed their rights over natural resources even in forests that fell within the purview of the various local kingdoms. The payment of revenue, where it existed, was incidental and did not contravene the usufructory and ownership rights enjoyed by the common man.

Property, therefore did not occupy any space in the Indian imagination, whether in conceptual or concrete terms, with the exceptions of hunting reserves or *shikargarhs/*

shikarkhanas of the Mughal rulers and Indian princes, and select patches of forests reserved as sacred groves. The notion of rulership did not include the concept of property and the land or the kingdom was therefore not the private property of the ruler or the king. The question of conflicting 'rights' between the state and the community over the resources of the land as we know it today did not arise. Even in the case of sacred groves, the restricted area was said to belong to the Divinity and was known variously as *devbhumi, devottar sampatti, devvani,* or *deorai.*

The absence of the notion of property did not necessarily imply an absence in the idea of ownership. Dwelling in and 'working' the forest over years bestowed upon the local communities occupancy rights or communal native titles derived from their ancestral dominion of land. An existence of ownership titles not formalized in any government statutes, notices or proclamations, nor recorded in any land revenue or land settlement codes, was nevertheless enjoyed by the locals as a kind of community right which entitled them to feel that they owned and possessed the forests.

The British introduced the concept of property with the imposition of a colonial legal system on an already existing pattern of forest use and protection, an age-old tradition governed by customary usage and common law. They created forest laws for the specific purpose of appropriating natural resources and the easiest way of extracting and controlling these resources was by establishing absolute rights over them. This was made possible by having absolute rights over the land where these resources existed. The idea of *property* was therefore introduced by the British as

absolute rights legally vested in a body or an individual over any land and its resources.

Consequently, the Bengal Regulation I, 1824 was enacted, the precursor of the omnipotent Land Acquisition Act of 1894, by which the Crown could acquire land. The latter conferred power upon the state for the acquisition of land for public purpose, enabling the subsequent enactment of the Indian Forest Act and the Indian Mines Act respectively.

With the creation of forest law, the British, exercising arbitrary powers as conquerors, extended their absolute sovereign rights over the forests. This single act of the imperial government annexed all forests as the property of the Crown, obliterating in the process existing ownership titles held in common law, as well as customary rights to access and use the forest for forest products, pasture land and shifting cultivation. This new law further empowered the Crown to treat the erstwhile owners and rights holders as 'encroachers', trespassers in the state's newly acquired vast and rich private property. This was a usurpation of the right to domicile, a natural right arising from the habitation of a geographical territory by individuals or groups.

The argument put forward for such appropriation of land and resources was the extension of *eminent domain,* the authority or power of the state to acquire the property belonging to individuals for reasons of public interest, provided due compensation was paid to the former proprietors and rights holders. It is clearly proved that a change in sovereignty does not imply the extinguishing of the right to domicile or other existing customary rights enjoyed by the local communities concerning access and use of forest resources. The British

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were not only disrespectful of any communal title over land which was held in common law, but following the accession of forests as state property, proceeded to extinguish existing use rights and the right to domicile. Moreover, there was no attempt to compensate the rights holders, a mandatory principle wherever eminent domain is applied. Finally, and crucially, eminent domain is only for reasons of public welfare; it is very much in question whether acquisition of forest lands as state property was done in the interest of the populace.

Rights in modern forest laws: The imperial forest department was set up in 1864 and the first Indian Forest Act drafted in 1865 stated clearly that forests could be reserved as government land provided it did not affect or alter any existing rights of individuals or communities. The government found the 1865 Act inadequate as the prevalence of customary rights hindered the imposition of total state control over forests. After a lengthy debate, a new version of the act was drafted in 1878, which after undergoing several amendments assumed its final and present form in 1927. The Indian Forest Act, 1927 embodies the basic structure and spirit of the 1878 Act and remains the seminal law on forests in India. The debate undertaken during the transition from the 1865 version to the 1878 one is important as it determined the fate of the innumerable forest dwelling and forest dependent communities and is relevant to the present discussion.

There were three contending views in the debate, two extreme positions advocated by B.H. Baden-Powell, a civil servant and the Madras Revenue Board respectively, and a moderate position spearheaded by Dietrich Brandis which tried to bridge the two polarities. B.H. Baden-

Powell's position was that of total state control over the forests of India with the extinction of existing customary rights, norms and practices and the denial of access to the land and resources of the forest. He did not accept the authority of common law and hence did not acknowledge any rights or norms arising from customary usage. Monarchical claims of land ownership were deliberately perceived as legal titles and customary 'rights' to use and work the forest were seen as 'privileges' granted by the monarch to the subjects in his kingdom. Forest officials hold this argument even at present. In this interpretation, the only rights recognised were legal rights granted by the state.

At the other extreme, the Madras Revenue Board believed that ownership of forest lands were held in common by tribal groups and villagers. It strongly upheld the customary ownership and use rights of these village and tribal communities and pointed out the existence of an inherent notion of ownership. More importantly, the Board realised the linkages between these customary practices and the dependence of livelihood, which could never be monetarily compensated.

Dietrich Brandis' comparatively moderate stance advocated state control while simultaneously recognising the existence of customary rights. He opted for state ownership of forest lands, but recognised the need for a space whereby degraded forest land and small patches of forests situated on the periphery of villages could be managed and controlled by the local communities. Brandis chastised any arbitrary extinction of customary rights, as proposed by Baden-Powell and as practised by some Indian rulers, but instead spoke of a just method of settlement of rights including the granting of due

compensation to the deprived communities.

The 1878 Act was eventually a Baden-Powellian model tempered by Brandis' moderation. It categorised three types of state ownership of forests – reserved, village and protected forests – and incorporated a protracted method of settlement of rights. In a single stroke the colonial government obliterated centuries old customs and culture and erased the traditional livelihood patterns of hundreds of rural Indians.

Colonial forest management changed the forest dweller's relation with the forest, in particular beginning the disintegration of tribal culture. It degraded extensively India's finest teak, sal and deodar forests and wiped a large population of wild fauna in pursuit of trophy hunting. The consequences have been irreversible and the damage is yet to be redeemed.

The dictat of the 1927 Act continued for a very long time, especially as it was adopted by the new government of independent India without any changes or amendments. Prior to Independence, many of the provincial legislatures made their own laws modelled on the 1927 Act together with additional laws for felling, duties on timber, sawmills and so on. This trend continued in the post-1950 period, when the Indian government included forests as a state subject. A National Forest Policy was formulated in 1952, which on paper spoke of ecological aspects of forests, such as the need to check denudation in the mountains and erosion on the treeless banks of great rivers and the need to establish 'tree-lands' and 'small woods' for grazing and firewood. In reality, these policy decisions were not translated into action plans or legislation.

In 1977, with the 42nd Amendment of the Indian Constitution, for-

ests became a concurrent subject, which means both the Parliament and the state legislatures were empowered to legislate on the said subject. A new National Forest Policy in 1988 for the first time spoke about the conservation of biological and genetic diversity, the restoration of ecological balance, the preservation of the remaining natural forests and the establishment of an extensive protected areas network. The policy further spoke about the intrinsic relationship between forests and local communities, the protection of their customary rights and recognised the importance of forests as a means of livelihood. It spoke about afforestation and social forestry programmes, but primarily focused on the conservation of ecosystems, wildlife and biodiversity and the restoration of ecological balance.

This apparent shift in government policy from economy to ecology occurred because of extensive diversion of forests for commercial and industrial use and increasing rate of genetic loss and habitat destruction and the spread of global environmental consciousness. In 1980, the Parliament enacted the Forest (Conservation) Act, primarily for stalling the diversion of forest lands for non-forest purposes. It was the first conservation-oriented forest legislation in India. India became a signatory to the Convention on Biological Diversity and other international environmental conventions.

Since the 1988 policy envisaged the participation of people in the protection and regeneration of forests, the state issued the Joint Forest Management Notification in 1990 in order to involve village communities and NGOs for the regeneration of degraded forests. In 1992, the 73rd Amendment to the Constitution, which formalised the constitution of panchayats as micro institutions of governance, empowered these self-governing bodies to deal with matters concerning forests and other natural resources related matters. Finally, the Panchayat (Extension of Scheduled Areas) Act, 1996 and the Panchayati Raj Act, 1998 conferred ownership of minor forest produce to gram sabhas and panchayats.

The JFM notification and the 73rd Amendment were small steps towards bringing back people within the ambit of Indian forest law, and the panchayat laws of 1996 and 1998 were infinitely bolder and more positive steps towards social justice. Despite lauding joint forest management over the last several years, the government is yet to translate JFM into statutory law, whether as a separate statute or as incorporated within any existing law. For a complete reorientation, however, the colonial inheritance has to be shed and the Indian Forest Act, 1927 disposed and the Wildlife (Protection) Act amended.

The Conservation of Forests and Natural Eco-systems Bill was tabled in the Parliament in 1994, but NGOs, intellectuals and environmentalists have been critical of both the bill and the 1988 policy. The bill is unable to discard the colonial trappings and forecloses any space for people's involvement in the matter of forests. Joint forest management as a concept is absent and the customary rights of local communities of access and use of natural resources are denied, with a few exceptions. The orientation, though shifted from economy to ecology, has not made any significant alteration from absolute state control. Many feel that in actuality the forest department does not want to lose this lucrative source of revenue and any changes suggested by the government are merely cosmetic.

An expert committee headed by C. D. Pandeya (Order No 1-4/97-FP dated 21.10.97) for reviewing the 1988 policy has in its report recommended that:
* Substantial changes are not considered necessary in the National Forest Policy, 1988.
* Participation of local communities is essential for protection and development of degraded forests. JFM, village eco-development, community welfare and individual beneficiary schemes and such other strategies should be encouraged and integrated with forest management, specially in hinterlands and tribal areas.
* Customary rights/concessions/usages cannot be sustained indefinitely unless productivity of the adjoining forest land is increased. The fulfilment of the rights and concessions should have a bearing on the responsibility of beneficiaries towards forest protection particularly against fire and grazing. Community participation should be mobilized for this purpose by rationalizing existing rights/concessions/usages and bringing them within the framework of JFM. Revenue and community wastelands should be constituted as village forests for meeting bonafide rights of the local communities. MoEF should issue appropriate guidelines to the state/UT in this regard.

The debate over rights continues and questions about access to and ownership of forests still remain unanswered. The new forest act would undoubtedly have to be a comprehensive and intricate legislation taking into account the conservation and protection of the ecosystem, the flora and the fauna, question of ownership and management of land and resources, traditional knowledge and practices,

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settlement of rights, local institutes for governance and penalties for violation. Meanwhile, the government has a new National Forestry Action Plan, which speaks of acknowledging the tenurial rights of the forest dwelling communities, a new Biodiversity Action and Strategy Plan and a new Biodiversity Bill modelled on the CBD. The deve-lopment of these initiatives would be interesting to follow.

The provisions: The procedure for settlement of rights for reserved, village and protected forests are provided under Sections 4-20 of the Indian Forest Act, 1927 and for national parks and wildlife sanctuaries under Sections 19-25 of the Wildlife (Protection) Act, 1972. The acts stipulate two categories of rights settlement. One for the three different kinds of forests under the Indian Forest Act, 1927 and the other for parks and sanctuaries under the Wildlife (Protection) Act, 1972. The differences between the sub-categories are minimal and as far as rights are concerned there are only marginal differences between a national park and sanctuary.

Briefly, once an area is notified as a park/sanctuary under Sections 18, 26A, 35, 38(1) or 66(3), the collector is to inquire into and determine the nature and extent of rights held by the people in or over the notified land (Section 19).

The collector is to publish in the regional language 'in every town and village in or in the neighbourhood of the area' (Section 21) specifying the boundaries of the notified land and informing rights holders to make a written claim of their existing rights describing in detail their nature and extent, with a detailed estimate of any compensations due in case their rights are extinguished. A period of two months is given for making such claims. In most cases, the people are unaware of the publication of such notices and ignorant of the provisions of the law and such claims therefore are rarely brought to the collector.

After the issuance of a notification, the act bars new rights in the newly 'protected' area 'except by succession, testamentary or interstate' (Section 20)

The collector is to then inquire into the claimed and unclaimed rights ascertaining them as far as possible by government records and by the 'evidence of any person acquainted with the same' (Section 22). For the purpose of inquiry, the collector is vested with the powers to conduct any survey on any land and make maps and demarcations (Section 23). These inquiry covers all rights mentioned under Sections 19 and 21.

Those who do claim rights under Section 19 may have their rights either rejected or admitted and the collector is to pass an order to that effect. The claim may be admitted in whole or in part and the collector may exclude such land (over which there are claims) from the notified area or *allow, in consultation with the chief wildlife warden, the continuation of any right of any person in or over any land within the limits of the sanctuary*' [Section 24(2)(c)]' (emphasis ours). Sub-clause 2(c) of Section 24 is not applicable for national parks. The claimant may even relinquish his rights dependent upon an agreement with the government. In such a situation, the claimant is to be compensated in land or money or both as per the provisions of the Land Acquisition Act, 1894.

It must be noted that 'in case of the stoppage of a public way or a common pasture, the collector may, with the previous sanction of the state government, provide for an alternative public way or common pasture, as far as maybe practicable or convenient' [Section 25 (1)(f)].

Further, the chief wildlife warden may regulate, control or prohibit grazing and movement of livestock [Section 33(d)]. This too is not applicable for national parks; however, authorised persons may use livestock as a vehicle to enter the parks [Section 36(7)].

The only difference between national parks and sanctuaries is, therefore, Section 24(2)(c) and Section 33(d). ^

The Gujarat High Court judgment dated 22-24 March 1995 of SCA 6061 of 1994 (Centre for Environmental Law, WWF-India v. Union of India) has declared that despite the word 'intended', Section 18 of the amended act should be read as a final notification. The word 'intended' had been introduced to accommodate changes that might be brought about in the notified area under Section 24(2), after the rights over such area has been inquired into and determined by the collector. In case of any changes another notification is required demarcating the altered map of the sanctuary, hence the proviso for the final notification. The judgments holds that for all practical purposes Section 18 of the amended act should be read as the proviso declaring the establishment of a sanctuary. It was an oversight on the part of the lawmakers that Section 26(A) was substituted with Section 18 instead of being added on in the definition of a sanctuary under Section 2(26) of the Wildlife (Protection) Act, 1972.

The model adopted for the Indian Forest Act, 1927 is that of the Land Acquisition Act, 1894 and the basic structure is similar to the one described above. The exception is that the forest settlement officer may pass orders allowing the continuation of

rights provided it does not affect the maintenance of the reserved forest. Shifting cultivation, right to pasture and right to forest produce may be admitted after consideration by the FSO.

Despite the draconian nature of the laws, forced displacement is not legitimised anywhere in the above-mentioned provisions, nor do they speak of absolute discontinuance of rights. Sanctuaries and reserved forests in fact provide for their continuance at the discretion of the chief wildlife warden and the forest settlement officer. However small the space may be for manoeuvrability, space exists with the exception of national parks and there is cause to believe that the law is open to interpretation which a sensitive judiciary may do so for the benefit of local communities.

In reality, these procedures are not complete in a majority of the national parks and sanctuaries. Nor is the task practical or simple, providing in addition enough ground for misinterpretation of law. Following a recent case filed by WWF-India in the Supreme Court, wherein the state governments were given directives to complete the settlement procedures as rapidly as possible, the matter has become convoluted as investigations reveal that in most cases the lower level forest officials are not conversant with the law. This has given rise to several impromptu innovations to the settlement procedure, prompted by the flurry to meet court deadlines and a wide variety of settlement reports are emerging from the district collectorates in different parts of the country.

The following are the primary obstacles, chiefly legal ones, which add to the imbroglio Unrecorded land rights: As mentioned earlier, rights in pre-colonial times did not follow the tradition of written records of modern law and remain they mostly unrecorded. Forest and wildlife laws in India have ignored (and still ignore) rights enjoyed by the inhabitants of a specified area under traditional law, norms and practices laid down by customary usage. Customary law is now recognised and accepted in many countries of the world, specially where native community titles to land existed, such as among the aboriginals of Australia and New Zealand.

Even after forest laws were introduced by the British, the forest settlement officers did not initiate any process of keeping complete records and no up-to-date records exist 1865 onwards to the present day by which one can trace the history of land titles and other rights. Often there have been multiple conversions between forest and revenue land and villages have been shuttled back and forth between the two government departments, as in the case of Melghat tiger reserve and sanctuary. These 'grey' areas of law are continuously manipulated to sometimes displace, sometimes alter boundaries and sometimes as a needless cause for violence.

In an ongoing litigation, the battle over permission to construct a potentially dangerous jetty among other contentions has converged over the issue whether the disputed construction falls within revenue or forest land. These anomalies in the legal status of land and the boundaries of the protected natural habitats are misused both by the forest department and more crucially, by the industry.

Conflict between centre and state laws: Before Independence, provincial legislatures made their laws modelled on the 1927 Act together with additional laws for felling, duties on timber, sawmills etc. This trend continued after 1950, when the Indian government included forests as a state subject. This enormous body of state laws varied in the matter of rights and sometimes differed with the provisions of the 1927 Act. The M.P. Forest Rules, 1960 for example recognises forest dependent communities as part of the forest, specially by taking into account the usufructory rights of the local communities. It elaborates on *nistar* and *paidawar*, traditional laws governing the use of timber, dry fallen wood, dry and green bamboo, grasses, thorns, leaves, bark, surface boulder, murrum, sand, chhui, clay, edible roots, fruits, flowers, gum, honey and wax.

The M.P. Forest Rules, 1960 is thus cognisant of the fact that the forest includes communities who have an established relationship with their environment created over many years. The M. P. Land Revenue Code, the M P. Panchayat Raj Adhiniyam, 1993 and documents like the Wazib-ul-urz also take into account the rights of the local communities The M. P. Tendu Patta (Vyapar Viniyam) Adhiniyam, 1964, on the other hand, denies the local communities their nistar rights.

Conflicts between laws: There are contradictory provisions regarding rights amongst the various laws. The stringency of the Wildlife (Protection) Act, 1972 for instance is countermanded by the Panchayati Raj Act, 1998 and Panchayat (Extension of Scheduled Areas) Act, 1996 which grants the local communities 'ownership' rights as opposed to the usual usufructory rights, which is access and the right to use natural resources in notified areas. The Panchayati Raj Act, 1998 and the Panchayat (Extension of Scheduled Areas) Act, 1996 read together with the 73rd Amendment and the JFM order, have special significance for the natural resources rights of tribal communities and par-

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ticularly for states like Madhya Pradesh. This poses a conflicting picture vis-à-vis forest and wildlife laws.

Legal provisions alien to people: The information regarding the notifications declaring an area as park, sanctuary or reserved forest usually does not reach the people who are unaware of the legal provisions discussed earlier. Matters of claims and compensation are usually alien to them.

The above list though not exhaustive covers the main legal problems contributing to the matter of rights of the local communities over natural resources. The legal status of India's protected areas and forests are unrecorded and unknown, thus disabling real solutions to any problems.

The problems relating to rights over natural resources in customary law and the relationship of such law with the modern legal system are complex and of enormous magnitude. Circumstances have been stressed, to say the least, for the millions of people residing in and around protected habitats and for the wild flora and fauna living therein. India's disappearing forest cover and its decimation of species and the vulnerability of its fragile ecosystems have duly concerned many individuals and the government. The natural genetic heritage of the country is to be conserved for future generations by extending a hand to protect non-speaking biological life. Correspondingly, the protected areas network has expanded rapidly.

In comparison with other nations, wildlife laws in India are considered among the 'progressive' in the world, but they have failed to stop the drain of nature. The assumption at the governmental level and among many urban wildlife conservationists is that the presence of humans and their usufructory relation with the forest is contributing to the degradation of the environment. Some concede reluctantly that though historically 'ecosystem' people had a 'symbiotic' relationship with nature but presently their population has increased, as have their cattle and goats that graze the downy undergrowth in competition with the herbivorous ungulates of the wilds. Political and financial reasons, inertia and ground realities have so far prevented the government from taking any action towards permanently disassociating these people from their natural surrounds. Additionally, there is mounting pressure from the affected people themselves with the support of select community based social organisations.

Environmental degradation including species depletion is caused by industrial and commercial intrusion in natural habitats. This includes mining activities, constructions such as jetties, large roads, bridges, tourist resorts, factories and refineries, large mechanised trawlers and other infrastructures for aquaculture, plantations and farm forestry and the nefarious operations of poachers, timber traders, contractors and middlemen.

Forestry projects akin to the ones launched by the World Bank in several parts of India are claimed by many to be logging and agroforestry operations under the guise of biodiversity conservation. Such projects destroy diversity by introducing monocultural species for better productivity and by clear felling virgin habitats apparently reserved for wildlife. Yet, these projects speak of removing villages and denying people their legitimate access to forests, continued since the time of their forefathers.

The 'biotic' pressure on natural resources stems from the city dweller, in their multifarious needs of modern, urban sophistication in which they are willy-nilly ensnared. The urban popu-lation does not pay the price but expects the forest's dependants to bear the burden of their needs by giving up their life, their customary rights and by withstanding psychological stress. Stress that is created by their lost homes or the prospect of losing homes, the disintegration of their culture and the alienation from the very world wherein they have evolved.

The question is raised of the morality of keeping developmental benefits away from the impoverished, hard-working tribal communities and some opine that the choice be left open to the concerned society. The needs of 'forest people' are usually simple and undemanding. All they ask for is the freedom to roam unencumbered as owners of a habitat that they rightfully consider their own and some basic amenities, which would lighten the toil and hardship at an existential level.

Ambiguities in law would continue insofar as the state retains its inherited colonial attitude of an estate owner of India's forests. It would need to evolve an Indian model of conservation which perceives man as a part of the communitas of biodiversity, learning about living with nature and from the knowledge it imparts about the flora and fauna. It has to move from the domain of ownership to that of stewardship.

Management of forests cannot be learnt from international training programmes, for they hail from a society founded on the dichotomy of man and nature and which destroyed its natural habitats long ago. It would stem from re-educating ourselves about the ways of nature and trying to find a link with our modern lives, from looking at a plurality of cultures, equitably and democratically. The question of rights can be settled only then.

Legislative framework and judicial craftsmanship

SHYAM DIVAN

INDIA employs a range of regulatory instruments to preserve and protect its natural resources. As a system for doing so, the law works badly, when it works at all. The legislature is quick to enact laws regulating most aspects of industrial and development activity but is chary to sanction enforcement budgets or require effective implementation. Across the country, government agencies wield vast power to regulate industry, mines and other polluters but are reluctant to use their power to discipline violators. The judiciary, a spectator to environmental despoliation for more than two decades, has recently assumed the pro-active role of public educator,[1]

policy-maker,[2] super administrator,[3] and more generally, *amicus* environment.

The flurry of legislation, lax enforcement and assertive judicial oversight have combined to create a unique implementation dichotomy: one limb represented by the hamstrung formal regulatory machinery comprised of the pollution control

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telecast ecology programmes on the electronic media and include environmental study in school and college curricula).

2. E g , S. Jagannath v. Union of India, AIR 1997 SC 811 (directions prohibiting non-traditional acquaculture along the coast); M C. Mehta v. Union of India, AIR 1996 (2) SCALE 92 (court directions for the introduction of unleaded petrol vehicles).

3 E g., T N. Godavarman Thirumulkpad v Union of India, AIR 1997 SC 1228 (judicial

1 E.g , M.C. Mehta v. Union of India, AIR 1992 SC 328 (court directions to broadcast and

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boards, forest bureaucracies and state agencies; the other, consisting of a non-formal, ad hoc citizen and court-driven implementation mechanism. The development of environmental law in the 1990s is largely the story of India's judiciary responding to the complaints of its citizens against environmental degradation and administrative sloth.

When environmental laws were first enacted in the 1970s, there was little to distinguish the field of environmental law from the general body of law. For instance, when Parliament enacted the Water Act of 1974, it adhered to the pattern of numerous other Indian statutes and created yet another agency-administered licensing system, this time to control effluent discharges into water. A breach of the act invited judge-imposed penalties. .

This was transformed, in part, by the spate of fresh legislation passed after the Bhopal gas leak disaster of December 1984. The new laws and rules are impressive in their range. They cover hitherto unregulated fields such as noise, vehicular emissions, hazardous waste, hazardous micro-organisms, the transportation of toxic chemicals, coastal development and environment impact assessment.

Equally significant, we find in these laws a governmental effort to supplement the old licensing regime with an array of new regulatory techniques. Public hearings under the Environment Impact Assessment Regulations of 1994 provide a forum to non-governmental organisations to voice their concerns to project proponents. Citizens' initiative provisions,

supervision over the implementation of national forest laws), M.C Mehta v. Union of India, 1992 (Supp 2) SCC 633 (directions in the Ganga Pollution Case to riparian industries, tanneries and distilleries regarding abatement of pollution)

together with a statutory 'right to information', now enable an aggrieved citizen to directly prosecute a polluter after examining government records and data. The technology-forcing deadlines, issued under the central Motor Vehicles Rules of 1989, compel the manufacturers of petrol and diesel vehicles to upgrade their technologies (perhaps even re-tool their plants) to meet the prescribed emission standards by a particular date. Mandatory workers' participation in plant safety and stringent penalties on high-level management for the breach of factory safety regulations are expected to reduce industrial accidents.

Another feature of the new regime is the vesting of enormous administrative power in the enforcement agencies. For example, a pollution control board may direct a polluter to shut down an offending factory or order the withdrawal of its power supply. Previously the board had to approach a magistrate to enjoin the polluter. This shift away from judicial to administrative enforcement of environmental laws was intended to improve compliance. Earlier, few agencies had the financial and legal resources to speedily launch prosecutions and battle the cases through multiple appeals. With the change in the enforcement strategy, however, the burden of initiating a court action now rests on an aggrieved polluter, who must challenge the agency's order in court.

The new legislation has spawned new enforcement agencies and strengthened the older ones. Some of these agencies perform specialised tasks. Consider the authorities constituted under the Environment Impact Assessment (EIA) Regulations of 1994. The Union Ministry of Environment and Forests is responsible for evaluating EIA reports submitted by project proponents. Generally, for large projects,

the review is carried out in consultation with a committee of experts. Responding to a suggestion by the Supreme Court,[4] the Union government has established a National Coastal Management Authority and corresponding state level agencies. Further, the past decade has seen a growth in the budget and staff of the central and state pollution control boards charged with implementing the Water and Air Acts. Consequently, there is a some improvement in the enforcement of these laws in at least some of the states and union territories.

Despite these initiatives, the quality of the urban and rural environment continues to decline. The root cause of this problem is the slack performance of the enforcement agencies. Several factors inhibit agency functioning, not least among them being a lack of budgetary support. The Bihar Pollution Control Board (BPCB), which administers pollution laws in the second most populous state of the union is continuously starved of funds. For several years the state government withheld funding, restricting BPCB expenditure to less than a third of its modest requisition.[5]

Depriving the enforcement agencies of funds has meant inadequate technical staff and supporting infrastructure for monitoring and control. Ten years after Parliament enacted the Water Act in 1974, the BPCB did not have a single laboratory or analyst to test effluent samples.[6] Political interference[7] and a lack of will to confront entrenched industrial and commercial

4. Indian Council for Enviro-Legal Action v. Union of India, 1996 (5) SCC 281, 303

5. B. Desai, Water Pollution in India, 146 (1990)

6. *Ibid.* at 131

7. Haryana Pollution Board Disbanded, *Times of India*, Delhi. 13 May 1992. The board was

interests also contribute to poor administration. Besides, it is widely perceived that the effectiveness of some agencies is curtailed by institutional graft.[8] This laxity and indifference has invited judicial strictures from the High Courts[9] and the Supreme Court.[10]

Recently, the Supreme Court lamented:
'If the mere enactment of laws relating to the protection of environment was to ensure a clean and pollution free environment, then India would, perhaps, be the least polluted country in the world. But, this is not so. There are stated to be over 200 central and state statutes which have at least some concern with environmental protection, either directly or indirectly. The plethora of such enactments has, unfortunately, not resulted in preventing environmental degradation which, on the contrary, has increased over the years.'[11]

Although courts are ill-equipped to take over enforcement functions, the dismal performance of government agencies has compelled the higher judiciary to secure compliance through public interest litigations. Leading by example, the Supreme Court has persuaded the High Courts of several states to set

dissolved shortly after it served a prosecution notice on the chief minister's son-in-law.

8. The Punjab pollution control board was superseded in 1996 after the state government received complaints regarding maladministration and harassment. An enquiry revealed that some of the board decisions were 'highly suspect.' G S. Oberoi v. State of Punjab, AIR 1998 P & H 67.

9. Bayer (India) Ltd. v. State of Maharashtra, 1994 (4) BOM.C.REP. 309. 330. Pravinbhai Patel v. State of Gujarat, 1995 (2) GUJ.L.R 1210. 1234; and V Lakshmipathy v State of Karnataka, AIR 1992 KARN 57, 70.

10. M.C Mehta v Union of India, 1998 (3) SCALE 602 and 1998 (4) SCALE 326.

11. Supra note 4, at 293.

apart a greater share of judicial resources to environmental cases.[12] As a result of this drive, hundreds of factories have installed effluent treatment plants and there is a heightened environmental awareness among administrators, the subordinate judiciary, police and municipal officials, all of whom are involved in implementing the court's orders. More generally, the courts have succeeded in building up a sustained pressure on polluters, where the pollution control boards had failed.

Although the expanded judicial role appears secure for the present, this trend is unlikely to continue beyond the near term. Court dockets are full and judges are conscious that systemic changes in a country as vast as India are unlikely to be brought about by judicial intervention alone. If judicial activism is to have a lasting impact, a political will in the form of substantial budgetary allocations for environment and increased community pressure on enforcement agencies, are imperative. Court-administered implementation can at best supplement, not replace, the formal agency-dependent enforcement mechanism.

The Indian Constitution is among the few in the world that contains specific provisions on environmental protection. The directive principles of state policy and the fundamental duties chapters explicitly enunciate the national commitment to protect and improve the environment. Judicial interpretation has strengthened this constitutional mandate.

In a case where the Supreme Court intervened to protect the forest wealth and wildlife from the ravages of mining in and around Sariska sanctuary in the Alwar district of Rajas-

12. For example, the High Courts at Bombay. Calcutta, Madras and the Gujarat High Courts have a designated 'green bench'.

than, the court viewed its own constitutional role thus:
'This litigation concerns environment. A great American judge emphasising the imperative issue of environment said that he placed government above big business, individual liberty above government and environment above all. The issues and concerns in this case far transcend the trivialities and inhibitions of an adversarial litigation. The issues of environment must and shall receive the highest attention from this court.'[13]

This approach has led the Supreme Court to derive, adopt and apply a range of principles to guide the development of environmental jurisprudence. Notable among the fundamental norms recognised by the court are:
1. Every person enjoys the right to a wholesome environment, which is a facet of the right to life guaranteed under Article 21 of the Constitution of India.[14]
2. Enforcement agencies are under an obligation to strictly enforce environmental laws.[15]
3. Government agencies may not plead non-availability of funds, inadequacy of staff or other insufficiencies to justify the non-performance of their obligations under environmental laws.[16]

13. Emphasis supplied. Tarun Bharat Sangh, Alwar v. Union of India (Sariska Case), Writ Petition (Civil) No. 509 of 1991, Supreme Court, 14 May 1992 (M.N Venkatachaliah and B.P. Jeevan Reddy, JJ.).

14. Subhash Kumar v. State of Bihar, AIR 1991 SC 420, 424, M.C. Mehta v. Union of India (Delhi Stone Crushing Case), 1992 (3) SCC 256, 257; and Virender Gaur v. State of Haryana, 1995 (2) SCC 577, 581. See A. Rosencranz and S.Rustomjee, Citizens' Right to a Healthful Environment, 25 *Environment, Politics and Law* 324 (1995).

15. Indian Council for Enviro-Legal Action v. Union of India (CRZ Notification Case), 1996 (5) SCC 281, 294, 301.

16. Dr B.L. Wadehra v. Union of India (Delhi Garbage Case), AIR 1996 SC 2969, 2976.

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4 The 'polluter pays principle', which is a part of the basic environmental law of the land, requires that a polluter bear the remedial or clean up costs as well as the amounts payable to compensate the victims of pollution.[17]

5. The 'precautionary principle' requires government authorities to anticipate, prevent and attack the causes of environmental pollution. This principle also imposes the onus of proof on the developer or industrialist to show that his or her action is environmentally benign.[18]

6. Government development agencies charged with decision-making ought to give due regard to ecological factors including (a) the environmental policy of the central and state government; (b) the sustainable development and utilisation of natural resources; and (c) the obligation of the present generation to preserve natural resources and pass on to future generations an environment as intact as the one we inherited from the previous generation.[19]

7. Stringent action ought to be taken against contumacious defaulters and persons who carry on industrial or development activity for profit without regard to environmental laws.[20]

8. The power conferred under an environmental statute may be exercised only to advance environmental protection and not for a purpose that would defeat the object of the law.[21]

9. The state is the trustee of all natural resources which are by nature and meant for public use and enjoyment. The public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. These resources cannot be converted into private ownership.[22]

Environmental protection and improvement were explicitly incorporated into the Constitution by the Constitution (Forty-Second Amendment) Act of 1976. Article 48A was added to the directive principles of state policy. It declares: 'The state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.' Article 51A(g) in a new chapter entitled 'Fundamental Duties', imposes a similar responsibility on every citizen 'to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.' Together, the provisions highlight the national consensus on the importance of environmental protection and improvement and lay the foundation for a jurisprudence of environmental protection.[23]

Article 21 of the Constitution states: 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' In Subhash Kumar v. State of Bihar[24] the court held that the right to life includes the right to enjoy unpolluted air and water. If anything endangers or impairs the quality of life in derogation of law, a citizen has a right to move the Supreme Court under Article 32 of the Constitution. Expanding upon this theme in a town planning case, Virender Gaur v. State of Haryana,[25] the court observed:

'Article 21 protects the right to life as a fundamental right. Enjoyment of life... including [the right to live] with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation, without which life cannot be enjoyed... [T]here is a constitutional imperative on the state government and the municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.'

The framework of the Air (Prevention and Control of Pollution) Act of 1981 is similar to the one created by its predecessor, the Water Act of 1974. To enable an integrated approach to environmental problems, the Air Act expanded the authority of the central and state boards established under the Water Act, to include air pollution control. States not having water pollution boards were required to set up air pollution boards.

17 Indian Council for Enviro-Legal Action v. Union of India (Bichhri Case) AIR 1996 SC 1446, 1466; Vellore Citizens' Welfare Forum v Union of India, AIR 1996 SC 2715, 2721, and S Jagannath v. Union of India (Shrimp Culture Case). AIR 1997 SC 811, 846, 850

18 Vellore Citizens' Welfare Forum v. Union of India. AIR 1996 SC 2715, 2721: S Jagannath v Union of India (Shrimp Culture Case), AIR 1997 SC 811, 846; and A P.Pollution Control Board v. Prof M V. Nayadu, 1999 (2) SCC 718, 733

19. State of Himachal Pradesh v. Ganesh Wood Products, AIR 1996 SC 149, 159, 163.

20 Indian Council for Enviro-Legal Action v Union of India (Bichhri Case), AIR 1996 SC 1446, 1468; Pratibha Cooperative Housing Society Ltd v State of Maharashtra, AIR 1991 SC 1453, 1456; and Pleasant Stay Hotel v. Palani Hills Conservation Council, 1995 (6) SCC 127, 139

21   Bangalore   Medical   Trust   v B S.Muddappa, AIR 1991 SC 1902, 1911, 1924; Virender Gaur v State of Haryana, 1995 (2) SCC 577, 583; and Indian Council for Enviro-Legal Action v Union of India (CRZ Notification Case), 1996 (5) SCC 281, 299, 302.

22 M C Mehta v. Kamal Nath (Span Motels Case), 1997 (1) SCC 388.

23. M.C. Mehta v. State of Orissa, AIR 1992 ORI 225, 227

24. AIR 1991 SC 420, 424. Also see M.C.Mehta v. Union of India (Delhi Stone Crushing Case), 1992 (3) SCC 256, 257; and Chameli Singh v. State of Uttar Pradesh, AIR 1996 SC 1051, 1053 When deriving the right to shelter under Article 21 the Supreme Court held that this right would include 'the right to decent environment and a reasonable accomodation to live in ' Shantistar Builders v Narayan K Totame, AIR 1990 SC 630.

25 1995 (2) SCC 577, at 580-581.

Under the Air Act, all industries operating within designated air pollution control areas must obtain a 'consent' (permit) from the state boards. The states are required to prescribe emission standards for industry and automobiles after consulting the central board and noting its ambient air quality standards.

Prior to its amendment in 1987, the Air Act was enforced through mild court-administered penalties on violators. The 1987 amendment strengthened the enforcement machinery and introduced stiffer penalties. Now, the boards may close down a defaulting industrial plant or may stop its supply of electricity or water. A board may also apply to a court to restrain emissions that exceed prescribed standards. Notably, the 1987 amendment introduced a citizens' initiative provision into the Air Act and extended the act to include noise pollution.

The Water (Prevention and Control of Pollution) Act of 1974 was the culmination of over a decade of discussion and deliberation between the centre and the states. The act vests regulatory authority in state boards and empowers these boards to establish and enforce effluent standards for factories discharging pollutants into bodies of water. A central board performs the same functions for union territories and coordinates activities among the states.

The boards control sewage and industrial effluent discharges by approving, rejecting or conditioning applications for consent to discharge. The state boards also minimise water pollution by advising state governments on appropriate sites for new industry.

Prior to its amendment in 1988, enforcement under the Water Act was achieved through criminal prosecutions initiated by the boards, and

through applications to magistrates for injunctions to restrain polluters. The 1988 amendment strengthened the act's implementation provisions. Now, a board may close a defaulting industrial plant or withdraw its supply of power or water by an administrative order; the penalties are more stringent; and a citizens' initiative provision bolsters the enforcement machinery. The amendments introduced in Gujarat in 1988 have not been adopted by a resolution of the legislature under Article 252. As a result, the 1988 amendments do not apply to that state.[26]

In 1972, Parliament enacted the Wild Life (Protection) Act pursuant to the enabling resolutions of 11 states under Article 252(1) of the Constitution. The Wild Life Act provides for state wildlife advisory boards, regulations for hunting wild animals and birds, establishment of sanctuaries and national parks, regulations for trade in wild animals, animal products and trophies, and judicially imposed penalties for violating the act. Harming endangered species listed in Schedule I of the act is prohibited throughout India. Hunting other species, like those requiring special protection (Schedule II), big game (Schedule III), and small game (Schedule IV) is regulated through licensing. A few species classified as vermin (Schedule V) may be hunted without restrictions. The act is administered by wildlife wardens and their staff.

An amendment to the act in 1982, introduced provisions permitting the capture and transportation of wild animals for the scientific management of animal populations. Comprehensive amendments to the parent act in 1991 resulted in the insertion of

26. Pravinbhai J. Patel v State of Gujarat, 1995 (2) GUJ.L.R. 1210, 1216.

special chapters dealing with the protection of specified plants and the regulation of zoos. The new provisions also recognised the needs of tribals and forest dwellers and introduced changes to advance their welfare.

The Public Liability Insurance Act of 1991 (PLIA) was enacted to provide immediate relief to the victims of an accident involving a hazardous substance. To achieve this object, the act imposes 'no-fault' liability upon the owner of the hazardous substance and requires the owner to compensate the victims irrespective of any neglect or default on her part. The PLIA stipulates a maximum compensation for injury or death at Rs 25,000 and limits compensation in respect of damage to private property to Rs 6000. The right of a victim to claim additional relief under any other law is expressly reserved.

The act obligates every owner to take out an insurance policy covering potential liability from an accident. Along with the insurance premium, every owner must make a contribution to an Environmental Relief Fund established by the central government. The fund is designed to provide relief to the victims of an accident. The principal administrative authority under the PLIA is the collector, who is required to verify the occurrence of an industrial accident, give publicity to the event, invite applications for compensation and award relief.

The National Environment Tribunal Act (NETA) of 1995 builds on the foundation laid in the PLIA and substantially alters the law of torts relating to toxic substances in India. NETA extends the principle of 'no-fault' liability, which first received statutory recognition under the PLIA, *beyond* the statutory compensation limits prescribed under the 1991 Act.

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NETA applies in cases where death or injury to any person or damage to any property is caused by an accident during the handling of any hazardous substance. Both acts adopt the same definition for the expressions 'accident' and 'handling'.

NETA empowers the centre to establish a national tribunal at New Delhi with power to entertain applications for compensation, hold an inquiry into each such claim and make an award determining the compensation to be paid. The tribunal is empowered to make interim awards after granting an opportunity to the affected party and may determine its own procedure for processing the compensation claims, consistent with the principles of natural justice.

The National Environment Appellate Authority Act of 1997 requires the central government to constitute a national environment appellate authority for hearing appeals against orders granting environmental clearance in areas where restrictions are imposed on setting up any industry or carrying on any operation or process.

The Mines and Minerals (Regulation and Development) Act of 1957 as the title suggests, is to promote the prospecting of minerals and the development of mines. Recognising the devastating environmental impact of mining activity in several regions across the country, Parliament amended the act in 1986 to introduce provisions which would require greater environmental sensitivity whilst conducting mining operations.

Section 4A permits government to terminate a prospecting licence or mining lease in order to preserve the natural environment or prevent pollution or harm to public health, monuments, buildings and other structures. Sections 13 and 15 empower the centre and the states to frame rules to restore vegetation destroyed by mining operations in any area.

Although the Indian Forest Act of 1927 embodies the colonial policies of the pre-independence era, it remains in force. This act consolidates, with minor changes, the provisions of the Indian Forest Act of 1878 and its amending acts. The 1927 Act deals with four categories of forests, namely, reserved forests, village forests, protected forests, and non-government (private) forests. A state may declare forest lands or waste lands as reserved forests, and may sell the produce from these forests. Any unauthorised felling of trees, quarrying, grazing and hunting in reserved forests is punishable with a fine or imprisonment, or both. Reserved forests assigned to a village community are called village forests. The state governments are empowered to designate protected forests and may prohibit the felling of trees, quarrying and the removal of forest produce from these forests. The preservation of protected forests is enforced through rules, licences and criminal prosecutions.

Alarmed at India's rapid deforestation and the resulting environmental degradation, the central government enacted the Forest (Conservation) Act in 1980. As amended in 1988, the act requires the approval of the central government before a state 'dereserves' a reserved forest, uses forest land for non-forest purposes, assigns forest land to a private person or corporation, or clears forest land for the purpose of reforestation. An advisory committee constituted under the act advises the centre on these approvals.

The Factories Act of 1948 was passed shortly after the Bhopal tragedy and the Supreme Court's judgment in the Shriram Gas Leak Case,[27] the 1987 amendment to the Factories Act introduced special provisions on hazardous industrial activities.

The 1987 amendment empowers the states to appoint site appraisal committees to advise on the initial location of factories using hazardous processes. The occupier of every hazardous unit must disclose to her workers, the factory inspector and the local authority, all particulars regarding health hazards at the factory and the preventive measures taken. These preventive measures must be publicised among the workers and nearby residents. Every occupier must also draw up an emergency disaster control plan, which must be approved by the chief inspector.

The occupier is required to maintain workers' medical records and must employ operations and maintenance personnel who are experienced in handling hazardous substances. The permissible limits of exposure to toxic substances are prescribed in the second schedule to the act. Safety committees consisting of workers and managers are required periodically to review the factory's safety measures.

The Factories Act after its 1987 amendment, defines 'occupier' as a very senior level manager. Such person is held responsible for compliance with the act's new provisions relating to hazardous processes. Non-compliance exposes the occupier to stiff penalties.

In the wake of the Bhopal tragedy, the Government of India enacted the Environment (Protection) Act of 1986 (EPA). The EPA is an 'umbrella' legislation designed to provide a framework for central government coordination of the activities of various central and state authorities estab-

27. M.C. Mehta v. Union of India, AIR 1987 SC 965

lished under previous laws, such as the Water Act and Air Act. It is also an 'enabling' law, which articulates the essential legislative policy on environmental protection and delegates wide powers to the executive to *enable* bureaucrats to frame necessary rules and regulations. Since the time it entered the statute book, the act has served to back a vast body of subordinate environmental legislation in India.

The scope of the EPA is broad, with 'environment' defined to include water, air and land and the interrelationships which exist among water, air and land, and human beings and other living creatures, plants, micro organisms and property. 'Environmental pollution' is the presence of any environmental pollutant, defined as any solid, liquid, or gaseous substance present in such concentration as may be, or may tend to be, injurious to the environment. 'Hazardous substances' include any substance or preparation which may cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment.

Section 3(1) of the act empowers the centre 'to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.' Specifically, the central government is authorised to set new national standards for the quality of the environment (ambient standards) as well as standards for controlling emissions and effluent discharges; to regulate industrial locations; to prescribe procedures for managing hazardous substances; to establish safeguards for preventing accidents; and to collect and disseminate information regarding environmental pollution.

Section 23 of the act empowers the centre to delegate its powers and functions to any officer, state government or other authority. Section 24 of the EPA ensures that the provisions of this act and subordinate rules or orders *override* any other law. A broad rule-making power is conferred on the central government under sections 6 and 25.

The mass of subordinate legislation framed under the EPA by the Department of Environment, Forests and Wildlife of the Central Ministry of Environment and Forests falls under four broad categories: pollution control; hazardous substance regulation; environment impact assessment; and the protection of the coast and other ecologically fragile areas.

Pollution Control: Section 7 of the EPA prohibits the discharge or emission of environmental pollutants in excess of the prescribed standards. To implement this mandate, the government has framed the Environment (Protection) Rules of 1986 (EPR). The standards are set out in the schedules appended to the EPR. Broadly, there are three types of standards: *source* standards which require the polluter to restrict at source the emission and discharge of environmental pollutants; *product* standards, which fix the pollution norms for new manufactured products such as cars; and *ambient* standards to set maximum pollutants loads in the air, and to guide regulators on the environmental quality that ought to be maintained for healthy living.

Hazardous Substance Regulation: The Hazardous Wastes (Management and Handling) Rules, issued under the act in July 1989 have introduced a permit system to regulate the handling and disposal of hazardous wastes. The Manufacture, Storage and Import of Hazardous Chemicals Rules

of November 1989 spell out the responsibilities of those handling hazardous substances (other than hazardous wastes). Under these rules, a hazardous industry is required to identify major accident hazards, take adequate preventive measures and submit a safety report to the designated authority. In August 1996 the central government framed the Chemical Accidents (Emergency, Planning, Preparedness and Response) Rules. These rules require the centre to constitute a Central Crisis Group (CCG) for the management of chemical accidents and to set up a quick response mechanism termed as the crisis alert system. The rules also contemplate the setting up of crisis groups at the state, district or local levels to assist the administration in prevention and control measures.

Rules to regulate the manufacture, use, import, export and storage of hazardous micro-organisms and genetically engineered cells were issued under the Environment Act in December 1989. Under these rules a Genetic Engineering Approval Committee has been established in the Ministry of Environment and Forests to licence experiments in, and field trials of, genetically engineered organisms.

Environment Impact Assessment: The first attempt at a comprehensive statutory environment impact assessment (EIA) programme began on 27 January 1994 when the Union Ministry of Environment and Forests issued a notification dealing with mandatory EIA. The notification mandates a public hearing and requires the project proponent to submit an EIA report, an environment management plan, details of the public hearing and a project report to the impact assessment agency for clearance, with further review by a committee of experts in certain cases. The impact assessment agency is the ministry itself. The

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EIA regulations apply to 29 designated projects/industries which are enumerated in Schedule 1 to the notification.

In April 1997, the ministry took a first step towards decentralizing the EIA regulatory machinery by shifting the responsibility for environmental site clearance in respect of thermal power projects to the states. This notification describes the categories of thermal power plants falling within state government purview and broadly replicates the procedure under the principal notification of 1991.

Coastal Regulations and Protection of Specified Areas: In addition to the EIA requirements, specific prohibitions and regulations operate in designated ecologically sensitive areas. The widest in reach and scope are the Coastal Zone Regulations issued in February 1991. These regulations strictly control development activity including tourism within a strip of 500 meters from the sea shore, along the entire coast of India. While some activities such as setting up of new industry and the expansion of existing factories are completely prohibited, other types of commercial activity are restricted. Building activity is regulated depending upon the level of urbanisation and the ecological sensitivity of the coastal region.

In response to specific environmental threats, industrial activity has also been curbed by central notifications in some ecologically sensitive regions like the horticultural belt in the Dahanu region in Maharashtra,[28] the Himalayan foothills around Doon Valley,[29] the coastal Murud-Janjira

area in the Raigad district of Maharashtra,[30] the congested Antop Hill locality in Bombay,[31] and parts of the Aravalli Range in Rajasthan and Haryana.[32] Most of these notifications were issued in response to specific environmental threats to each region.

Most recently, in February 2000, the Union Ministry of Environment and Forests has notified new norms for regulating noise pollution. The regulations prescribed ambient levels of noise in the residential, commercial and industrial zones and regulate the use of loudspeakers.

The vast network of environmental regulations has little impact on the quality of the air or water. The leading environmentalist and advocate, M.C. Mehta, blames the pollution control boards and other bureaucracies for failing to enforce the statutes, many of which have been part of the Indian courts for decades. He argues that despite the statutory framework, there will be no visible results unless a political will spurred by greater citizen involvement forces the sub-competent bureaucracy to set about implementing and enforcing natural resource laws.[33]

Valley was harmed by extensive limestone quarrying.

30 Notification dated 6 January 1989. A coastal strip of about 30 km was threatened by several giant industrial projects. This notification encouraged environmentalists to press for national coastal norms which took final shape in February 1991.

31. Notification dated 9 February 1990 The residents of Antop Hill lived under a continuous threat from vast amount of hazardous chemicals stored in the neighbourhood

32. Notification dated 7 May 1992. Limestone quarrying threatened the Project Tiger reserve in the Alwar district of Rajasthan.

33. M C Mehta, 'Environmental Issues: the Challenges That Face us Today and in the Next Millennium', *Indian Habitat*, 1 (2000).

28 Notification dated 20 June 1991. The orchards of Dahanu were threatened by the possibility of rapid industrialisation after a large thermal power plant came up in the area.
29. Notification dated 1 February 1989. Doon

Books

A NEW MORAL ECONOMY FOR INDIA'S FORESTS? Discourse on Community and Participation edited by Roger Jeffery and Nandini Sundar. Sage, New Delhi, 1999.

JOINT Forest Management, or JFM, is perhaps the most commonly used term in Indian forestry today, at least within the context of international aid to the forestry sector. Its popularity derives largely from the underlying expectation that 'local communities' should be more involved in managing forests, thus far managed through the use of strong-arm tactics by the forest department across the country. This move to involve communities in forest management is expected to lead to better conservation practice, rooted in the assumption that greater local involvement will somehow lead to a greater sense of ownership within the community and, therefore, to better stewardship of the resource. Simultaneously, the move to JFM is also expected to empower these communities more generally, thereby inducing some level of social transformation to the ultimate benefit of the communities.

While the need for greater local involvement in conservation can hardly be questioned, the means by which this can be achieved such that there is real participation by the entire diversity of local stakeholders across class, caste and gender divides, has eluded practitioners in the forestry sector. In other words the push for the adoption of a radical step in Indian forestry (JFM has been adopted by 18 states) has taken place with little or no understanding of how such a step is to be operationalised. The book under review provides a critical analysis of some of the assumptions that

underlie community involvement in conservation, focusing in particular on the problematic notions of 'community' and 'participation'. In exploring the problems with the way in which both community and participation are imagined and constructed within development and environment discourse, Sundar and Jeffery, in their introduction, suggest that a new moral economy of Indian forests is being created, one that in effect serves to further curtail customary and legal rights to natural resources, particularly for the least powerful members of village society.

This exploration of community and participation surfaces repeatedly in the 10 additional contributions to the book. Sumit Guha uses pre-colonial records to demonstrate a great deal of flux in communities in present day Maharashtra, and the absence of homogenous, closely bounded and egalitarian communities. By doing so he is confronting a basic assumption that informs the repeated calls for greater community involvement in resource management.

In his study of landlords, forest cover and forest policy in Midnapore district of West Bengal, K. Sivaramakrishnan demonstrates that private forest lands under the Midnapore zamindars were actively managed during the late nineteenth and early to mid-twentieth centuries. This was done in an attempt to increase forest cover, countering the colonial assumption of a steady decline in forest cover in lands not managed by the forest department. He also suggests that the effectiveness of forest management was at least partially due to the heavy-handed enforcement of restrictions by the van-sardars of the zamindars, countering, once again, the notion of egalitarian

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communities working to protect the environment.

In a largely theoretical piece, Arun Agrawal suggests that the latest valorization of community within the environmental/developmental discourse of the day is merely the latest in a series of such revivalist trends in scholarship, with its earliest practitioners being active in the late 19th century. In light of this movement of community in and out of fashion, Agrawal urges caution in embracing community as a panácea for our current conservation problems. Agrawal also takes a closer look at the assumptions that underlie standard arguments that urge greater community involvement in conservation. The notion of community as shared understanding is seen as reflecting a defined collection of individuals with common concerns, wherein any differences in interests are papered over as a result of frequent face-to-face interactions. Such a model hides the real political frictions – in the form of alienation, hierarchies and domination – that exist within any community. Recognizing and confronting this politics is a prerequisite to more effective involvement of communities in conservation.

Amita Baviskar then explores the logic and practice of eco-development within the Great Himalaya National Park in Himachal Pradesh, site of an experiment aimed at reducing villager dependence on grazing and other resources within the national park. The logic is that by undertaking varied developmental works and by providing alternative employment opportunities, villagers could be weaned away from using the park, in the process serving both local interests and the interest of conservation. Baviskar demonstrates the ways in which villagers have used the rhetoric of community to extract the maximum out of the forest department – in the form of funds for the building of roads and other developmental activities – while simultaneously resisting attempts by park authorities to curtail their access to park resources.

Savyasaachi demonstrates a disjuncture between forester and tribal perception of a forested landscape in Orissa, and argues that radically differing readings of the landscape are likely to undermine any attempt at afforestation by the forest department. With such differing views on what a landscape should look like, any attempt at involving the community in managing the forest is doomed at the start, particularly since most projects that attempt to involve communities tend to leave these communities out of the decision-making process with regard to the specifics of forest management.

In their paper, 'How many committees do I belong to?' Vasavada, Mishra and Bates provide a

delicious example of bureaucratese taken to its logical conclusion, pointing to the proliferation of communities within villages as a result of the growing rhetoric on increased local involvement in development and environmental issues. Such involvement, invariably, is expected to unfold through a committee, one that represents the varied interests in the village. In one instance, the authors record 12 different committees supposedly devoted to developmental and other works. Committee work may be an unaffordable drain on the villagers time. In other situations, villagers may have no knowledge of the fact that they are on a committee, or the nature of their powers. Since these committees tend to comprise of village elite for the most part, both villagers and state officials have merely found new ways of channeling developmental resources in ways most suited to themselves.

Saxena and Sarin provide a critical evaluation of the JFM experience in Uttara Kannada, focusing on three key areas: (i) the need to expand the current JFM focus beyond 'degraded' forests, and to include forests that are in relatively good condition (in Uttara Kannada degraded forests comprise less than 1% of the forests managed by the forest department, and hence, while insignificant in the overall scheme of things, these are the forests receiving the greatest amount of attention from the department); (ii) the question of the composition and functioning of village forest committees, particularly with relation to equity and gender, but also more broadly with regard to far greater involvement of VFCs in actual management of forests on a day-to-day basis; and (iii) the need for institutional reform within the Karnataka Forest Department to ensure a better fit between its rhetoric of JFM and its own actions towards meeting stated goals.

Marriete Correa brings the feminist research perspective to JFM in Uttara Kannada and demonstrates numerous problems with the programme, indicating that most attempts to include women have been largely cosmetic, aimed at fulfilling project requirements, rather than actively ensuring real participation in decision-making. Correa also talks of the need for researchers to be wary of potential pitfalls in conducting research among women, in particular to be wary of 'fake' responses – i.e. responses that women may provide a researcher based on a desire to provide the latter with what he/she wants to hear, rather than the reality the woman is subject to.

Catherine Locke takes an even closer look at the gender issue, suggesting that the inclusion of women in policy documents and in practice is largely

a response to donor pressures. In turn, donor focus on the gender issue has often been reactionary rather than proactive, and more often than not merely paying lip ser-vice to what has become a politically correct and self-evident truth. The standard assumption is that involving women will in and of itself be beneficial to the process, thereby reducing women to an all encompassing, singular category. She argues that there is a need to treat women's participation in public spheres as an activity critically mediated by intra-household and inter-community politics, with all manner of power plays shaping who participates and in what fashion.

Bhaskar Vira then moves focus from the community to the bureaucracy and its interface with the community. He argues that, for the most part, researchers tend to work with a model of a monolithic state, one with little horizontal or vertical variation in its func-. tioning. Vira challenges this assumption and calls for greater ethnographic research of the forest bureaucracy. He notes that field staff in particular, operate under a wide variety of compulsions, many mediated by their relations with the community they are inter-acting with, and that as a result there may be wide divergence between stated policy and actual implementation. There has been little by way of a research agenda directed at understanding the bureaucracy-community interface, despite its obvious importance in shaping the implementation of new policies.

The papers are of a uniformly high quality, offering empirical and theoretical insights into the problems that have surfaced in attempts to involve communities in conservation. For the most part the book holds together well. My only grouse is the fact that of the five papers that deal with JFM, a key focus of the book, three are substantially, or entirely, rooted in the Karnataka JFM experience, ignoring in the process the experiences in 17 other states that have adopted JFM over the past decade.

Vasant K. Saberwal

MODERN FORESTS: State Making and Environmental Change in Colonial Eastern India by K. Sivaramakrishnan. Oxford University Press, New Delhi, 1999.

IN times when scholarship in general and writing in particular seems to be heading towards increasing specialization and narrow foci, *Modern Forests* comes as a pleasant addition to a tradition of path-breaking works that combine disciplines and transcend artifi-

cial boundaries to look at the real world. Indeed, the book is astonishing as much for its academic analysis as for the breadth of the canvas. Straddling almost two hundred years of colonial history, the book looks critically at received doctrines of state and society, colonial knowledge and scientific forestry, unpacking these and providing a historical context to the evolution of such ideas and their practice. It is equally amazing that it manages to do so purely through the study of forest management in Bengal between the mid-18th and mid-20th centuries.

The introduction (almost) celebrates the diversity in the outcomes of the colonial project of centralization and state control over forests, and suggests that 'by examining these variations closely, the book... shows how the manner in which culture, nature and power are spatially constituted and expressed, influences the processes of statemaking.' Overall, the book explores three main themes. First, it examines construction of the colonial state through a dialectical interaction of central direction and local autonomy in 'woodland Bengal'. Second, through this process, it demonstrates the variations in governance and the emergence of 'exceptionally administered areas' as they evolved in Bengal. Finally, it sketches the evolution of 'scientific forestry' in its different guises, as it unfolded in a scarcely understood and fiercely contested landscape of 'woodland Bengal'.

The author repudiates the notion of a unified state represented in its rule-enforcing bureaucratic character and argues for a more lenient view of the power of the state in determining and enforcing the forms and legitimations of government and governmentality. Starting from the notion that 'partitioning of landscapes and social spheres came to characterize large aspects of modernist state formation' which was 'central to the stabilization of colonial rule,' the book defines statemaking as the production of the state-society distinction and offers a theory for their respective constitution as complex colonial entities through mediation by a 'historically transformed political society.' Traversing through the historical and contemporary treatment of the subject of state and society across disciplines, the book argues that political society, constituted in colonial Bengal of 'headmanship, police and judicial roles of landlords, and labour contractors,' mediates between state and civil society as well as propels the process of statemaking by providing the terrain for the emergence of polarities such as public and private, state and society, civilized and backward, and so forth.

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Describing 'woodland Bengal' as the Bengal beyond the river valleys and the Gangetic delta, 'geographically best described as a forest-savannah transition zone,' the book takes a fresh look at the evolution of regimes of governance in 'Jungle mahals', the upland areas of the erstwhile Midnapore district. The author argues that instead of a unitary view of the impact and outcomes of regimes of governance as necessarily imported and standardized, it is more useful to examine the 'development of forms of managerial consciousness and practices in their political, cultural and material settings.'

Documenting the process in Jungle mahals, the author points out that 'early administration of woodland Bengal emerged as a series of exceptions and anomalies within the overarching standardizations undertaken in the land settlement process.' The author unpacks the watershed of the Permanent Settlement of 1793 and shows that the emergence of the Jungle mahals as an exceptionally administered district and the legitimization of the exception with the constitution of the South West Frontier Agency in 1833, had as much to do with the local historical legacy of resistance to state penetration in its revenue collecting *avatar*, lack of colonial understanding about the region and the tussle over the locus of governance between central dictat and locally generated knowledge as with the centralizing process represented by the Permanent Settlement.

The book takes the argument further to demonstrate the evolution of the concept of 'tribal places' as a combination of primitive people and illegible landscapes that offered little evidence of a stable polity, in stark contrast to 'the large agrarian villages of the adjoining plains which represented a legible landscape of rice fields, orchards, ponds, streams and people comprehensible as Hindu or Muslim.' In the process, the author also constructs the concept of 'zones of anomaly' described as 'areas where the application of the Permanent Settlement was thwarted' wherein the standard vision of 'rule through zamindars presiding over stable peasant communities' was not practicable.

In generating insights from the interaction of the civilizing arm of the colonial project with itinerant and undefinable communities, the first part of the book shows how the 'zones of anomaly… became a special place defined by the unique combination of tribal people and (peculiar) forest landscape.' The account of the evolution of a 'zone of anomaly' illustrates the limits of colonial knowledge in defining the boundaries between state and society, public and private, as well as culture and science.

In the second part of the book, the author looks at how regional variations appeared within Bengal in the process of statemaking through the mechanisms of territorialization and access restriction regimes. It examines colonial forestry in three guises: 'First, as a set of material technologies imposed on trees, grasses and wild animals; second, as a legal regime aimed at appropriation and monopoly in the extraction of natural rents; and third as a system of rational knowledge.'

In a fascinating account of the 'contested history of sal' the author demonstrates that received technologies (as for example, exclusion of fire for sal regeneration) seldom worked and had to be abandoned or reversed; centralized territorialization of forest into neat categories of degrees of exclusion was extremely difficult to implement and was often relaxed, modified or forsaken when contested by different sections of the heterogeneous society and the fragmented state alike; and finally, forestry as a system of professional knowledge never managed to attain the kind of legitimacy and authority that foresters wished or pretended to wield. The author explains: '…this was because woodland Bengal – its people, flora and fauna – clearly emerged as an agent able to confound foresters and resist their ambitious schemes.'

This account challenges conventional wisdom on the issue of India's colonial encounter. Rejecting the notion that scientific forestry was a 'received version of European models that was subordinated to economic imperatives,' the book argues that the practice of forestry as it evolved in woodland Bengal was critically influenced by the legacy of the colonial encounter in Bengal with 'zones of anomaly' and resulted in regional variations that are impossible to explain by a doctrine of universal and successful territorialization. The book, in fact, demonstrates that categories such as reserved forests or protected forests were re-interpreted in a local context in woodland Bengal and resulted in a 'limited conservancy' tempered by the local context.

In spite of the fantastic length and breadth of the issues covered by the book, or perhaps because of it, a few loose ends remain untied. In a riveting discussion on the nature of protest in the Jungle mahals, the author successfully unpacks social categories such as 'tribal' and 'peasant' into zamindars, paiks, chuars and so on and locates the fulcrum of such protest in the arena of statemaking with its locus in the negotiated terrain of political society. However, while the narrative of

the process of statemaking is well illustrated, the issue of the role of protest in constructing civil society in conversation with the state remains unexplained. Similarly, the book, in several of its arguments, transcends the hitherto prevalent nature-culture divide but somehow fails to clinch a theoretical perspective on the leap from nature-culture dualism to the state-society dualism.

On balance, however, *Modern Forests* is a captivating story of the emergence of regimes of governance in Bengal over 200 years of colonial rule. The story has important ramifications for the study of statemaking in India, in particular because Bengal provided the experimental laboratories as well as the experiential knowledge that culminated in the science and technologies that came to be constituted as 'colonial knowledge' and regimes of governance that have been depicted as the 'colonial state'. By unpacking these categories in the historical context of the region these concepts evolved in, the book raises questions about the future writings on the environmental history of India and points towards a regional rather than a national focus.

Ashwini Chhatre

WATER: Unreliable Supply in Delhi by Marie-Helene Zerah. Manohar and Centre De Sciences Humaines, Delhi, 2000.

PRIVATE (domestic or foreign) investment flow decisions in infrastructure are based upon an estimation of likely returns which are the outcome of economically rational tariffs. Thus, with generous tariff and counter guarantees in the power sector there has been a measure of success in attracting investment. However, in the water sector financially unviable tariffs have deterred privatization and investment flows.

This is the context in which Marie-Helene's doctoral thesis has been carried out. Supported by various French institutions, the thesis focuses mainly on the economic consequences of the unreliability of water supply in the urban sector and the resultant willingness to pay higher tariffs in return for reliability. The case study is based upon actual survey of 700 households in Delhi.

The book establishes the connection between an inefficient distribution system, lack of resources, poor management, tariff and subsidy constraints, financial difficulties, myopic strategies and regulatory framework as the prime cause of unreliability of water

supply and the resultant behavioural human response. It is a fine presentation of the economy of unreliable water supply and its impact upon water consumption and related costs. Statistical models have been used for demand estimation and determining cost of access to water.

The author shows that the concept of lack of reliability in water supply is the economic result of technical factors. Lack of reliability is a characteristic of the water supply system itself and shows up as doubtful quality, intermittent supply, seasonal disruptions and unreliability of supply, insufficient and irregular pressure. These give rise to consequential compensatory strategies such as storage, pumping, recycling, rescheduling activities, fetching water, and so on along with the associated costs.

The examination of the concept of willingness to pay invalidates the assumption that the households refuse to pay for water. One of the major findings of the book is the estimation of the cost of insufficient and unreliable water supply incurred on the compensatory strategies. The information processed from primary surveys provides revealing insights such as the fact that households spend up to 5.5 times the amount they annually pay to the municipality for generating reliability and additionality in water supply. This comes to an annual sum of Rs 2000 per household.

The domestic water tariff is only 20% of the cost of supply, one of the lowest tariffs amongst major Indian cities, showing the immense subsidies involved. One of the major problems of water pricing and management is the low recovery rate. In 1994-95, the total arrears reached Rs 290 million, while the billed consumption was approximately Rs 622 million. Arrears translate into fairly low recovery rate of 66%. In urban areas the recovery varies between 70% and 88%, but is much lower in rural areas of Delhi

The insights gained from Delhi are relevant to other cities as well. In the case of Delhi, the study of geographic locations to explain inequalities have also been examined. This certainly suggests that a better rationalization of the distribution system could be useful in reducing these inequalities.

Reliability and higher costs are compatible. On the basis of willingness to pay the author concludes that the public would be willing to pay higher tariff for reliable water supply as it would more than neutralize the cost implications of compensatory strategies.

This is a significant policy input. While politicians have made vague noises about increasing the price of water to at least meet the costs, in reality, this

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is a sensitive political issue which is normally avoided by them.

The book has not focused upon the hurdles in effecting the logical outcome of its conclusion. Thus, there is an immense need to overhaul the municipal water supply organizations for any rise in the tariff to bring positive results. The organizational overhaul should result in improved maintenance and operation of the infrastructure as well as in higher recovery rates. The government will have to initially put in certain seed money to effect infrastructural improvements. Thereafter, tariff and supply improvements can be carried out simultaneously and incrementally. The political limitation of effecting tariff hikes will have to be overcome through public education and making it into a non-political issue.

A welcome development which could follow would be the focus upon efficiency as well as conservation in resource use. Higher pricing of water may also result in a self-regulation of demand. But would this be possible if there is no augmentation of the resource itself?

To conclude, Marie-Helene highlights the concept of unreliability as an economic rather than a technological concept. This poses the implied assumption that water is an economic rather than social good.

Manu Bhatnagar

SITUATING THE HISTORY OF SCIENCE: Dialogues with Joseph Needham edited by S. Irfan Habib and Dhruv Raina. Oxford University Press, New Delhi, 1999.

THE historiography of science that emerged in the West in the aftermath of the world wars, namely the new humanism movement, was situated within the framework of the critical studies of science and society. It was founded on the rejection of Eurocentric science and based on the unity of sciences and for the first time looked into the linkages between science and cultures. The most significant work during this period was Joseph Needham's *Science and Civilization in China*, which not only challenged Eurocentrism but also made an encyclopedic revision of the perspectives of the history of science, both in the West and the non-West. He posed what is now known as the Needham paradox, that is, why did modern science and technology emerge in the West and not in China, a first attempt by an European to delve into the history of science of a non-western nation. As Henry Holorenshaw writes, it

was for Needham a quasi-religious vocation, of rendering justice, sympathy and understanding 'to a great people whose contributions to human development have been grotesquely underrated.'

In another significant stage in the evolution of the historiography of science, the new humanism school was questioned. Post modernity saw a crisis in development and skepticism in science together with the emergence of studies in the sociological deconstruction of science. Concepts in the study of history and civilization had changed simultaneously. The West was already re-examining the Needham paradox and viewing it through a Kuhnian lens, thereby raising several doubts about the Sinologist's monumental work. In India, however, the historiographers and philosophers of science had not met at a common forum to review the questions raised by Needham. It was therefore timely that the National Institute of Science, Technology and Development Studies (NISTADS), Delhi, the Delhi Science Forum and the Maison de Sciences de l'Homme, Paris organised a conference, 'Science the Refreshing River', as an exercise reflecting on Joseph Needham's work. The volume under review is the outcome of this conference.

The book is structured around two themes, one an internalist critique of Needham's basic premise on science, the other a preoccupation with the transmission of knowledge across cultures. The internalist critique, held in common by most of the authors, especially Gregory Blue, Aant Elzinga and Steve Fuller, is of the position that the essential purpose of Needham's work was a defense of the agenda of modernity and that his work is organised according to a positivist ordering of the sciences. Needham uses modern science categories to analyze and classify Chinese thinking about nature, thereby distorting 'the way Chinese thinkers in the past have actually understood and valued their world' (Blue). As Fuller writes, 'The general tenor of his life work was to highlight the contingent character of the West's scientific ascendancy.' Elzinga points out that such a critique is possible with 'the introduction of Thomas Kuhn's notion of the paradigm or disciplinary matrix, which encompasses not only cognitive and epistemic but also social dimensions in the growth processes of science.'

Needham ultimately believed in the unity of mankind and the essential unity of the cosmological, the organic and social evolution, in which human progress would find its place (Holorenshaw). This convinced him of the universalism of science and the place of modern science as the global normative order, almost

an ecumenical order like the Kingdom of God, in which all civilizations will find their salvation.

Having established the paradigmatic deconstruction of Needham's science, the volume continues to explore the tenuous interrelationship between science and civilization and cross-cultural transmissions of knowledge. The historiographers of science thus step into dialogue with the historian. Needham had explored the transmissions and diffusions of knowledge between the East and the West in the sense of exchanges and borrowings and as evidence for laying the foundation of a global science which could be equitably benefited by both the Christian and non-Christian worlds. Subsequently, deconstructionism in history has led cross-cultural studies through the layered domains of multiculturalism, pluralism and acts of translations which transform that which is transmitted into something new or altered.

As Romila Thapar writes in her introductory essay to the book, 'Civilizations are not seen now as static or geographically bounded;' nor are they monoliths but patterns of living which are in the process of being constantly reordered and redefined. Intercivilizational relationships therefore have acquired dimensions theoretically unimaginable for Needham and his contemporaries. Contemporary historiographies of such transmission of scientific knowledge is explored in the papers by Karine Chemla and Pascal Crozet while Catherine Jami and Raina and Habib examine the relevance of Needham in the evolution of historiographies of science in China and India.

Apart from being the first definitive work on Needham from India and an indispensable volume for the historiographers of science, *Situating the History of Science* is unique in that it carries forward Joseph Needham's preoccupation with science and civilization. By redefining the historiography of science and cross-cultural history, the book is a neo-Needhamian exercise in exploring the relationship between science and civilization and manages to establish a grand discourse in the history of science. This, of course, has necessitated the emphasis on the epistemic framework rather than the epistemic content of Needhamian science but then that would require another volume.

Sinologist, historian, embryologist and a self-proclaimed honorary Taoist, a devout Christian and a committed Marxist, Joseph Needham remains the last of the polymaths. This book is a homage to him.

<div align="right">Sarbani Sarkar</div>

ANOTHER REASON: Science and the Imagination of Modern India by Gyan Prakash. Oxford University Press, New Delhi, 2000.

FOR Gyan Prakash, a member of the Subaltern Studies collective, the transition from *Bonded Histories* to *Another Reason* is quite a break from his earlier work. The book under review tries to bring out the close nexus between science, colonialism and the modern nation. It raises some already well-researched points, such as science being simultaneously an instrument of empire as well as a symbol of liberty, progress and universal reason. The question of the hybridization of scientific knowledge in non-European contexts had been explored in detail over the years by several scholars, both in India and abroad, some of whom were working out the sociology of scientific knowledge through their focus on specific disciplines in the 1980s, and by Zaheer Baber in the 1990s. The book engages far more seriously with the questions of culture and impending modernity than with science per se.

The author covers almost 200 years of Indian history, beginning from the early days of the British rule to the dawn of the postcolonial era. He takes us into colonial museums and exhibitions where Indian arts, crafts, animals, plants and even people were labeled and categorised. In this context, he questions whether it is possible to deny the simultaneity of the formation of western scientific disciplines and modern imperialism. No one can deny the birth of field sciences as they were called and the expansion of empire. Such disciplines like ethnology, botany, medicine, geology and meteorology were largely dependent on varied samples and colonialism certainly provided that opportunity. The matter was discussed extensively by S.N. Sen and a number of other historians of science in debates on the Basalla model, but this entire discussion goes unmentioned.

Another Reason is an interesting contribution to the corpus of socio-cultural history of India, but says little about the history of science. On the one hand science is seen as the imagination of people who had nothing to do with the discipline; on the other we come across practicing scientists like P.C. Ray being discussed in the same vein as Dayanand Saraswati who tried to root the ancient sciences in the Vedas. Whereas P.C. Ray bent over backwards to investigate into our scientific past to counter the Orientalist notion that Indians were merely interested in the transcendental world, Dayanand Saraswati, being a social reformer, did not merely look for science in the Vedas but had a

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polemical agenda to counter rivals within Hinduism as well as Islam and Christian missionary campaigns.

Prakash blurs the distinction between the two when he says that 'practicing scientists and Hindu religious reformers read ancient texts and interpreted traditions to identify an original "Hindu Science" upon which an Indian universality could stand...' He, however, fails to see what is being read and interpreted and to what purpose. Later, he quotes P.C Ray about the pride and satisfaction he felt when 'old, worm-eaten Chemical Manuscripts' began to pour in from every quarter of India during the 12 years of his research in the history of Hindu Chemistry (p.113). The Hindu religious reformer was not interested in a scientific manuscript from the ancient past. One sample is cited by the author himself which says 'that the ancient Aryans knew the power of steam... and the Aryans and their descendants possessed telegraph instruments that did not require telegraph poles and wires.... The Aryans fought battles in air chariots.'

The Arya Samaj felt a deep sense of loss at the invented memory of the Aryans' past scientific attainments They were committed to establish Vedic India as the originator of all sciences, arts and religions through the fabricated imaginings of the past. This exclusivism allowed no plurality of vision. However, P.C. Ray's commitment to the compositeness of Indian culture is reflected in his work on Hindu Chemistry as well as his other writings. Most of the time he is more insightful in his observations of the past than his contemporary professional historians.

Gyan Prakash has also emphasised that India was painted Hindu by Ray and others, ignoring the contribution of Islam in medieval times. A closer reading of Ray and his contemporary Benoy Sarkar's review of *Ain-i-Akbari*, would provide a very different picture. Sarkar called Abul Fazl 'one of the modern founders of comparative methodology in world-culture who deserves his rightful place in the history of science and philosophy and is by all means a great precursor of the Hindu Rammohan Roy.' Prakash concludes that 'the revaluation of the past, therefore, led to the projection of Hindu science as India's national tradition '

On the contrary, one should see this as a concession to the rising nationalism and anti-colonialism of the period. Even a pan-Islamist like Jamaluddin Afghani, addressing the Muslims of Calcutta in 1882, called them the descendants of those Indians who were the teachers of Greeks in literary ideas, limpid poetry and lofty thoughts. This cultural nationalism was inclusivist and sensitive to India's multicultural and multireligious past. P.C. Ray and others were part of a larger programme of cultural legitimation of modern science while Arya Samaj and such reformist organisations were seeking legitimation for themselves as well as for their invented knowledge of the past, using modern science.

In chapter three, Gyan Prakash gets to the question of the indigenization of science's authority which was possible only if 'science was asked to open itself to and also to contain the pressures of indigenous cultures, to dwell in the religious dispositions and literary writings of the "natives".' L. Wilkinson, a colonial official, organised a school in 1839 where Hindu and Muslim boys were taught mathematics and astronomy. The old astronomical beliefs were questioned in the debates and students were shown the way to move from geocentrism to heliocentrism of Copernicus, Newton and Galileo The author chooses Bhugolsar as the canonical text to illustrate his point arguing that Bhugolsar was written by Omkar Bhatt in response to this debate. There are two points to be raised in this context. First, Omkar Bhatt was very much part of Wilkinson's project and Bhugolsar was written at Wilkinson's initiative and not in response to the debate he initiated. Second, Bhugolsar was not authored by Omkar Bhatt. He was a mere translator of an original Marathi text.

Despite the few points raised above, the book is an insightful and valuable contribution to historical research.

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S. Irfan Habib

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TOWARD A GLOBAL SCIENCE: Mining Civilizational Knowledge by Susantha Goonatilake. Vistaar Publications, Delhi, 1999.

THERE has been a recent revival of interest in fields such as the social studies of science in the phenomenon of the 'rise of the East'. These studies have contested received conceptions of science, history and the theory of science. While the project itself is about half a century old, it appears to have acquired some academic legitimacy in the West, albeit packaged as a 'postcolonial' something.

Goonatilake's earlier book, *Aborted Discovery*, prefigures some of the concerns that are rearticulated from a contemporary vantage point in the present work. The author of *Toward a Global Science* employs a geological metaphor connoting colonial expropriation and directs it towards a different project. The intent is

to set the record straight for the sciences and technology of the South Asian region by mining contemporary scholarship that is quite at variance with the dominant master narrative on how the West grew rich and, of course, powerful.

As Goonatilake writes: 'Science and technology of the last couple of centuries has expressed European culture, of Europe's congealed history... Asian tastes and desires as they developed through history and congealed as cultural products will deeply influence the science and technology to come.' The book's central thesis is that the world's centre of gravity is shifting to Asia. The point is in itself not new and has been highlighted by sociologists of science and economic historians for quite sometime. Furthermore, historians of East Asian science having broken with traditional historiography, long anticipated this change and pursued their investigations of science of the East Asian region in terms of positive characterisations, and understanding modernity in East Asia with or without science. Unfortunately, this has not been the case for the South Asian region for a multitude of reasons. In part, this has arisen from the continued fidelity of historians of science to the epistemic image of positivist science in reconstructing the sciences of India.

Goonatilake's recent book attempts a novel characterization, but continues to abide by a neo-positivist notion of science. It thus limits the dialogue between modern science and the sciences of the South Asian region. Other than the epistemic obstacles that have prevented the realization of the emergence of a revised historiography, is the failure of scholars to account for the current diversity of the South Asian region, since almost every reconstruction commits the error of antiquarianism and is afflicted by the romanticism of the Orientalists. Goonatilake insists that his enterprise has little to do with antiquarianism for he is situated within the teleology of progress, and is sceptical of the fruitfulness of dubious parallelisms that are currently fashionable. Consequently, he assumes a normative account of science that differentiates between empirical and pragmatic components of traditional knowledge and those that are patently spurious and unusable. In that sense Goonatilake's dialogue with the past of science is a Popperian one.

This neo-positivist epistemology differentiates between multiculturalism in the sciences and the humanities. Taking cognisance of the so-called crisis in the project of modernization and western science, Goonatilake suggests the relevance of the philosophy of Nagarjuna, Bhartrhari and Aryadeva to the post-

modern enterprise, which in its present form he sees riddled with much trivia. But one pauses to wonder whether a genuine scientific multiculturalism cannot be constructed out of neo-positivist epistemology, and that the author has been facile with the normative account of current science.

It is difficult to underplay the impression that this reconstruction is technocratic, though it is itself propelled by the impulse of an earlier generation of scientists from the periphery to relate their contemporary scientific efforts to their scientific traditions through some principle of quasi-continuity. This was as true of western scientists who turned to the image of ancient Greece and advanced the institutionalisation of what Harding calls philosophical Eurocentrism. But in the contemporary practice of science, the Needhamian idea that history matters hardly holds any water. History matters for Goonatilake, but he needs to address how his idea of mining civilisational wisdom differs from that of rapacious multinationals bio-prospecting the Third Worlds' traditional resources for new medicinal remedies to treat ailments plaguing contemporary civilisation.

The larger point that Goonatilake makes is that the study of science in South Asia raises broader issues concerning the social context of science. The social studies of science have done much to prise open notions of objectivity, modernization and progress. This should prompt scholars working on South Asia to examine their historiographies without lapsing into jingoism and parochialism current on the sub-continent. The author reviews some of the recent developments in the social studies of the sciences and the repainting of the big picture of science that it has initiated. This eclectic review is framed within a neo-positivist evolutionary perspective of the sciences, maintains a distance from the more radical claims of the sociology of knowledge, while recognizing the possibility that it opens a window for non-western sciences.

Goonatilake sees traditional sciences enriching modern science in two ways: (i) by directly splicing in material that has demonstrable validity – the hardware approach; (ii) by introducing metaphors that dislocate standard ways of thinking, nudging the imagination into giving rise to new concepts.

The theory of transmission and the modality of transmission that is implicit in this reconstruction would appear a trifle problematic for the professional reader for its lack of symmetry. Goonatilake takes upon himself the task of obtaining Needhamian justice for

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the South Asian region conceived as a civilisational entity. It would have been interesting to sit through a careful demonstration of the Buddhist influence on Hume, and the transmission of these Humean ideas mediated by Enlightenment thought on Einstein's special theory of relativity.

However, this reconstruction does not engage with the radical historiography of the Arab sciences produced by Sabra, Saliba, King, Kennedy and Rashed. Unfortunately, it shares the standard Eurocentric historiography of Arabic science. Surely, there was a great deal of Arab navigational knowledge that was taken up by the European voyagers of the modern period. But this knowledge was not merely the product of Asian ideas Goonatilake's radical thesis is to highlight then the influence of South Asian ideas on the history of contemporary science and technology and not just modern science, and on this count it differs from the Needhamian project.

This is evident in the latter part of the book that discusses some of the sciences practiced in the region and what they have to offer the contemporary sciences. While the thesis is radical, the argument as presented is not. This is because he occasionally platforms this salvaging operation on historical material that is not very reliable and some of it certainly questionable. Second, he falls into the very trap that he wishes to rid the history of science of, picking up only those ideas that echo in the contemporary practice of the sciences, and hence nourish the already existing paradigm of the sciences by producing a couple of side branches without revolutionising them.

Eclecticism can be both a weakness and a strength. The work comes up with a number of pointers that dispute the standard tale of the history of sciences, where certain key episodes in the history of scientific knowledge are played up by establishing the contingent character of the rise of science in the West. It is, however, oblivious about the newer historiographies of Arab or East Asian and Far Eastern sciences that have highlighted the contingent character of western science. The problem could also be resolved if only he would abandon a core element in his historiography of transmission that abides by the fundamental idea of the monogenesis of scientific ideas.

I shall not delve deeply into the various dimensions of mining South Asian civilisational knowledge. The chapter on South Asian mathematics is rewarding. This I think has to do with two factors, one metatheoretical and the other relating to logistics. In

metatheoretical terms the historiography of mathematics is difficult to accommodate within a Kuhnian historiography. Further, mathematicians have always had a working relationship with the mathematics of the past, unlike in the other scientific disciplines. Consequently, the dialogue with the past of mathematics has not been terribly curtailed, either by the historiography of progress or with presentism. Goonatilake's salvaging operation is less problematic than is the case with the other disciplines.

Second, in most of the departments of the history of sciences in India examined so far, the history of mathematics and astronomy has by far been the most widely and meticulously studied. Consequently, the material that Goonatilake draws upon is not as problematic as that encountered in some of the other disciplines.

The ambiguity encountered in Goonatilake's work arises from the uncritical use of his sources – actually secondary source material. The ambiguity arises from a paradox, that of constructing a global history of science from bricks and mortar that have a particularistic vision of history. Maybe this could be accomplished as a project in subversive reading, but that is not the author's intention.

One problem with the history of sciences in India is that it has long restricted itself to challenging the Eurocentric history of science through priority disputes rather than challenging the theory of science on which it is premised. Historians of a liberal turn of mind have done much to interrogate the Eurocentric history of science. There has been as much or possibly more research material produced by scientists whose motives have been ultra-nationalistic. Some of these nationalistic claims seep through Goonatilake's secular and liberal vision unchecked. But the book itself stands out as a significant contribution towards the emergence of a global history of science.

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Dhruv Raina

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ECOSOCIALISM OR ECOCAPITALISM? A Critical Analysis of Humanity's Fundamental Choices by Saral Sarkar. Orient Longman, Delhi, 1999.

IT takes a particularly brave man to risk a title, or rather sub-title, like the one under review. But then, Saral Sarkar is hardly a risk averter. One time teacher of German at the Max Mueller Bhavan in Hyderabad, Saral moved to Germany in the early '80s, where he became

active with the Green Movement. A few years later, under the auspices of the Peace and Global Transformation programme of the United Nations University, Sarkar produced the two volume *Green Alternative Politics in West Germany*, arguably one of the best accounts of both the philosophical presuppositions and the travails of a politics seeking to combine socialist and ecological concerns. It is a sad commentary on the intellectual acumen of our publishing industry that the work, despite its many obvious lessons for India (and the Third World generally), failed to find a recognised publisher. The book, at least in India, went unsung.

It is thus fitting that Orient Longman thought it worthwhile to publish a South Asia edition of this book, originally brought out by Zed. And while this is no easy tract to plough through, both given its sweep and complex argument, it is a crucial read, particularly for those advocating an anti-growth/development path as the only rational option before humanity.

At the risk of over-simplification, let me present the two central concerns marking Sarkar's text. The first relates to the ostensible collapse of the socialist project, a concern which has gained currency post the crumbling of the Berlin Wall, the disintegration of the Soviet Union and a steady incorporation of capitalistic market principles in all economies, including those which claim to be socialist. The second relates to the Limits to Growth thesis, widely discussed since the Club of Rome publication of the same title in 1972. Since Sarkar is both 'red' and 'green', his interest lies in tracing the efficacy of a radical ecology project. He, in fact, argues that the 'creation of a tolerably good human society and an ecological economy are no longer matters of dreaming; they have become necessities for survival.'

Many today recognise a basic contradiction between ecology and industrial society, whether capitalist or socialist. They trace this to a hegemonic anthropocentrism, a view glorifying man's unique position in nature, and to a theoretical foregrounding of the rapid development of productive forces (an escape from material constraints) as a pre-condition to a social welfare or socialist state. They also focus on the real danger of the extermination of the human species or of the whole biosphere. Sarkar, in distinction, seeks to argue that 'while there is an ineluctable and unresolvable contradiction between capitalism and industrial economy on the one hand and a truly ecological economy on the other, there is *no* contradiction between socialism and a truly ecological economy

if the former can be conceived of as a non-industrial society' (emphasis added). Socialism is favoured mainly because of the values it represents: equality, cooperation, solidarity. 'Freedom and democracy are compatible with these values, although they did not exist in the "socialist" regimes we have experienced upto now.'

Based on the above, his thesis regarding the collapse of the 'socialist' states highlights both the political and moral failures, as also, and more importantly, the inability to transcend economism. It is in the latter, the vision of an industrial society, that the erstwhile socialist states most aped capitalist logic and values. And if in ecological terms they were far more damaging, it is both because the system had no way of recognising and thereby accounting for the costs, as also a 'faith' that developments in science and technology would help overcome the constraints posed by nature.

Taking off from James Lovelock's Gaia hypothesis, which posits that Gaia's automatic control system has helped her survive many ecological catastrophes, Sarkar distances himself from both the deep ecologists and animal rights activists who question anthropocentrism. As such, he does not accept the notion of equality between species. Second, as an anthropocentrist, he argues for internationalism, i.e. the basic policy has to be the same for the North and South. Finally, he favours a 'limits to growth' paradigm which recognises both nature's ability to absorb man-made environmental disruptions as also the earth's carrying capacity. As such, he seeks to advance a case that sustainable development or ecological modernisation is possible only within socialist relations of production.

Of course, for all ecologists, there is still the challenge posed by Garret Hardin's 'Tragedy of the Commons', that given the short-term, personal interest of maximising the objective function, the rational acts of free individuals will necessarily result in the destruction of the commons. Sarkar's argument that this proposition relates only to 'an open-access, a free-for-all regime without any authority anywhere' is only partially correct. Even under a commonly accepted regime that imposes restrictions, the political challenge of controlling the watchdogs remains.

More interesting than the philosophical discussion is Sarkar's examination of the various proposals for sustainable development. His discussion of the natural resource base of the economy is particularly useful in countering those who are enthusiastic about shifting to renewable resources, say solar energy. He points out that as serious as the current costs of solar

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energy is the fact that under known technology, the life of solar plants is limited and that far more energy is involved in setting them up than we receive from them. One can make similar arguments about biomass or even hydel energy. As for wind energy, the regrettable fact is that the technology is workable only under highly specified conditions and that too for appropriately endowed regions. In short, many of these 'green' technologies are either too costly (explicit or implicit), or not universally applicable.

Where readers may find Sarkar politically incorrect is his advocacy of population control. While agreeing that specific population policies may be accepted or rejected, he argues that the problem cannot be wished away, that an unfettered growth would only escalate conflict over resources. Equally, that sustainability is incompatible with continuous growth.

Is it then the case that survival demands the rejection of development? For this, Sarkar has an ingenious solution, one that goes against the grain of traditional Marxists. What Sarkar favours is a low-level, steady-state economy, where the moral imperatives become as important as the material. Nevertheless, he does not advocate a return to the past (primitive communism) or even valorize traditional non-western cultures as being in harmony with nature. Nor is he a great believer in cultural pluralism and distinctiveness as 'goods' within their own right. His case, and not very clear, is one that a planned, self-limiting economy under appropriate political conditions offers the best chances of long term survival.

More than presenting solutions, or even a framework for evolving solutions, Sarkar's book is better at helping unravel the presuppositions behind our favoured propositions. So if we suggest the development of non-conventional energy as a way out of the fossil-fuel crisis, we will be clearer about all the ramifications of the proposed change. As such, his writing seems very much in the tradition of Ivan Illich who refused to suggest alternatives, but nevertheless helped us examine the efficacy of our proposals.

A final point. If Sarkar's book appears negative or at times even defeatist, it is because (like many of his ilk) he refuses to engage with the politics of transformation. Just who is supposed to advocate and fight for the desired changes, more so since the demands are for *less* rather than *more*? Without grappling with this, Sarkar's ecosocialism will remain an utopia. Or a nightmare.

Harsh Sethi

Comment

In praise of life, liberation and freedom

NOW that we are at the crossroads of survival and virtual obliteration, it is time to take stock of our social and political traditions and theories of change.

Gross industrialism of the socialist and capitalist kind has dehumanised and robotised us humans. Many of us, though thankfully not all, have lost our vitality, colour and flair for life. Also our resilience, adaptability and capacity for change and improvement.

Industrialism has made us grow without roots. We are thus perched on precarious ground having to hold onto the nearest crutches for support and balance, the crutches of expensive medicine and health care. Industrialism of the kind we have produced and patronized has plasticised us into passive playthings of dubiously democratic governments and manipulators operating from the boardrooms of companies and corporations. We have been poisoned physically and psychologically by the products and processes of the military-political-industrial nexus – nexus that cuts across political parties and systems. We are at the crossroads of political praxis as we have known it. Also of evolution and revolution as we have known them. One is too slow, the other too violent.

So, what is required is a volition for change from within us as individuals. A volition that can be transformed into ripples linking individuals, communities and nations. A linkage for sharing the pain that we have caused to life and nature, and for determination and strength on how to relieve and heal that pain. A link-

age that uses person to person as well as global communications to spread hope, faith and charity instead of domination, fear, control and annihilation.

If we can hear the cries of pain and anger of mountain, jungle, river and valley; if we can feel the torment and hear the shrieking terror of typhoons and earthquakes; if we can see and sense the poison that has been injected into the life and culture of animals and those of our fellow humans who live in symbiosis with the elements, then it is time to take personal action here and now at this very moment.

We are talking of personal action that leads to a change in lifestyles. Action that leads to emptying out superfluous unecological consumption from our lives. Action that means emptying out a little of our wardrobe, reducing food intake, doing without personal refrigerators and cars, using organic products, patronising cottage industries on a mass scale and breaking down social and political barriers.

We should also be able to shed some of the ideological baggage that has divided individuals, communities and societies from each other. By ideological baggage, I mean slogans in the name of Christ, Ram, Islam, Marx, Gandhi – whoever or whatever. But, at the same time let us not be shy to embrace anything in any tradition or ideology that enriches and preserves life, liberation and freedom.

Baljit Malik

In memoriam

Krishna Riboud 1927-2000

Krishna Riboud, who died at her home in Paris on 27 June 2000, was a unique product of the Indo-European encounter, a woman whose protean talent and prodigious energy were channeled into so many roles that only a Tagorean married into one of the most influential families of France could have acquitted them with as much elegance, courage and erudition.

As well as being a historian and collector of Indian and Chinese textiles. an important patron of the arts and powerful political hostess, Krishna Riboud, together with her husband Jean, was friend to democrats and dictators alike, from President Mitterand and Prime Minister Indira Gandhi to General Ne Win of Burma.

Their wealth came from Jean Riboud's zealous stewardship of Schlumberger, and his transformation of a company with a virtual monopoly in the manufacture of instruments used in oil exploration into a vast global corporation. But the Ribouds treated money respectfully, espousing unexpected causes and holding dearly to E.M. Forster's dictum that should a choice arise between betraying your friend and betraying your country, it is preferable to betray your country.

Jean Riboud's heroic record of joining the French Resistance and escaping from Buchenwald with the assistance of Communists as a young man matched Krishna's early memories of watching her uncle Soumyendranath Tagore, a revolutionary and passionate Communist, being taken away in manacles by the British police at a railway station in Calcutta. Their experiences instinctively put them in sympathy with the left. Despite their political connections, it was their deep interest in art, however, that made them a formidable partnership. Their fingers were firmly placed on the cultural pulse of three continents – America, Europe and Asia.

Typically they were drawn to collecting works by Surrealists and Indian progressives – Max Ernst, Joan Miro, Yves Tanguy, M F. Husain and J. Swaminathan. They were enthusiastic supporters of the French and Italian new wave in cinema and were instrumental in assisting Henri Langlois establish the Cinemateque Francaise. Krishna Riboud was awarded the *legion d'honneur* by the French government the same year as Satyajit Ray; later she was appointed to the premier arts body of France, the Conseil Artistique, that approves purchases for French national museums.

Krishna Roy was born in Dhaka, the daughter of Rajendra Roy, director of public health in East Bengal and Ena Tagore, a niece of the Nobel laureate. Her father died when she was ten and Krishna grew up in Calcutta among her maternal relatives. But it was by virtue of her father having once saved an American girl's life that decisively altered the direction of Krishna's own. The American girl's family encouraged Krishna to apply for a scholarship at Wellesley College which she won. And so, leaving memories of a city consumed by famine and war, Krishna sailed for America in 1945. At Wellesley she befriended the daughters of Vijayalakshmi Pandit. The Indian trio fell in with New York's intellectual *avant garde* that included Henri Cartier-Bresson, the photographer, Isamo Noguchi, the designer, and A.J. Leibling, the *New Yorker* writer.

Cartier-Bresson's black and white images from this period remain an evocative tribute to the Bengali ingenue's compelling beauty. Krishna holding a cigarette aloft, Krishna falling off a sofa. It was Cartier-Bresson who introduced Krishna to the young French banker who, like her, was seeking a new life, away from war-torn Europe. Jean Riboud, the French Catholic from Lyon and Krishna Roy, the Brahmo from Calcutta, were married in Connecticut in 1949 and their only child, Christophe, was born a year later.

Parallel to Jean Riboud's meteoric rise in the world of corporation-building and international finance (Mitterand offered him the prime ministership of France which he declined) rose Krishna's star in the esoteric but exacting field of ancient textiles, particularly Chinese silks of the Han and Tang periods. Years of study at the Musee Guimet in Paris and the museums of London, New Delhi, St. Petersburg and Japan, and an unerring eye for the best examples, led her to amass a vast private collection. In 1979, this was absorbed into a private museum and research centre that she created exclusively for the study of Oriental textiles.

She has bequeathed part of this legacy, together with some of the finest Indian *objets* to the Musee Guimet which reopens this autumn, after some years of refurbishment, with a special gallery dedicated to the Jean and Krishna Riboud collection.

The Ribouds were indefatigable travellers and their hospitality was legion. Apart from their exquisite

apartment in Paris, the Ribouds at one time maintained a 1300 acre country estate, La Carelle, outside Lyon, a ranch in Arizona, apartments in New York and London as well as Krishna's parental home in Calcutta. Each interior was stamped with the imprimatur of Krishna's distinctive style: a scattering of peacocks on the lawns of the 18th century chateau, a Chinese garden with ancient ferns and golden carp outside the Paris apartment, a collection of fine Mughal paintings, bidri ware and Iznik tiles spread about her Mayfair eyrie.

Personal tragedy did not deter her from her pursuits, nor dim her zest for living. Even after the death of husband and son, she carried on resolutely, travelling to India, China and Japan annually and several times a year to America. For a quarter of a century hers was a presence to reckon with in the museums and salerooms of the world. When Mme Riboud – the small rotund figure, usually dressed in black and often in her friend Issey Miyake's creations – raised her little finger, scholars paused and auctioneers held their hammer. Only her friends were allowed to tease and cajole and brighten the evening's prospects with the offer of an authentic Persian restaurant in the depths of Westbourne Grove.

Despite the implacable advance of cancer she managed to visit the sites of Pandua and Gaur two years ago. It was only in the weeks before her death that she retreated into her apartment, that tranquil world overlooking the private garden in the shadow of Napoleon's tomb.

Sunil Sethi

Danial Latifi 1917-2000

Danial Latifi, a senior advocate, Supreme Court of India, died in New Delhi on 17 June 2000 at the age of 83. Latifi belonged to that section of Indian students which became politically radical while studying in England. Even so, he toyed briefly with an ICS career, writing from Oxford to his parents on 22 January 1937: 'There are four courses open to me, (*i*) to serve in the ICS in the Punjab, (*ii*) to serve in the ICS in Bombay; (*iii*) to practice at the Bar in Bombay, keeping away from Congress politics, perhaps with a view to office; (*iv*) to serve for some years in the ICS in the Punjab or Bombay, resign upon some oppressive action on the part of the government, and then to take up politics unhampered by any ties (this would probably mean fairly extreme Congress politics), while keeping alive

by practising or by other means.' In the event, Latifi did not enter the ICS at all and national politics itself took a direction he had not then anticipated.

He was a grandson of Badruddin Tyabji, one of the early presidents of the Indian National Congress, and was influenced greatly in his life and work by Mian Iftikharuddin, who was president of the Punjab Pradesh Congress Committee when Latifi returned from England to start his career in Lahore. Iftikharuddin was respected by the Communist Party towards which Latifi gravitated and by the Muslim League which Iftikharuddin and, for a while, Latifi later joined. Latifi's political activities during this period took their cue from Iftikharuddin But he returned to Bombay, the original seat of his family, somewhat before Partition. In Bombay he set up practice in the chambers of K.T. Desai, who had till then not embarked upon his judicial career. Latifi respected Desai's legal acumen and looked back with warmth to that association.

Another influence on Latifi was that of the British lawyer, D.N. Pritt. He had met Pritt briefly while in England and later worked together with him in important cases including the case of the Telangana Twelve in 1950 and 1951. Earlier, in 1930-31, Pritt had argued the appeal in the Lahore Conspiracy case involving Bhagat Singh, Sukhdev and Rajguru before the Privy Council in London. Like Pritt, Latifi did not hesitate to take up apparently unpopular causes.

The law for him was an instrument for change. This inevitably affected the nature of his practice. He defended trade unionists in several important cases in the Bombay High Court and elsewhere. His earlier cases saw him plead on behalf of the employee seeking payment of wages or other monetary claims from public and private authorities. These cases include Mushran v. Patil 1951 (53BLR1009) and Amritlal Varma 1953 (55BLR735). In Lal Badshah's case, 1954 (56BLR859) Latifi appeared for an employee who, at the time of Partition, had been given an option by the Railways to choose between joining the service of the railway company in India or in Pakistan. Badshah was allowed to make a provisional choice to be confirmed within six months. Latifi's client had initially opted for Pakistan, but ultimately decided to come to India. The Railways refused to give Badshah wages for the interregnum. Latifi won the case and the railway company was held bound to pay.

Another striking case was that of Belosay 1958 (60 BLR 1255) in which Latifi with Rajni Patel, then the true fellow-traveller, argued the position that the

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Bombay Municipal Corporation had no power to pass a resolution relating to the execution of Imre Nagy in Hungary. The High Court held in favour of Latifi's client, holding that resolutions on international affairs were ultra vires the powers of the Municipal Corporation. Latifi's client won a political point. But when 30 years later, Imre Nagy was rehabilitated and his body disinterred to be given a more befitting formal funeral, Latifi's reaction was that of visible satisfaction. Other cases in Bombay in which Danial Latifi participated included the famous Nanavati's case. Latifi appeared along with another counsel on behalf of the Bombay Bar Association The Bar felt that the Navy could have been more respectful towards the court and Latifi was asked to make that point.

In the Supreme Court, Danial Latifi's first major appearance was along with D.N. Pritt in the case of the Telangana Twelve (the cases of Janardhan Reddy and others (1950 SCR 940 and 1951 SCR 345). These cases were lost. The Supreme Court declined to interfere on grounds that the proceedings and the trial in which the accused had been sentenced to death had been conducted in Hyderabad at a time when the state was not part of Indian territory.

Latifi was involved in a line of cases concerning minority rights, i.e. cases focusing on the scope of Article 30 of the Constitution relating to institutions established or run by linguistic or religious minorities. Latifi appeared on behalf of the Old Boys' Association in the Aligarh Muslim University case 1968(1) SCR 833 and in the St. Xaviers' College case 1975(1) SCR 376. In both cases attempted Latifi to balance the interests of minorities with the right and power of the welfare state to regulate these institutions. Although Latifi never went the whole way so as to drastically read down Article 30 as many are prone to demand, he looked back with satisfaction at the recognition by the Supreme Court in the St. Xavier's case that the right to manage did not include the right to mismanage.

At one point in the St. Xaviers' case, when the court appeared to be inclined to the view that Article 30 was restricted to providing religious or linguistic instruction only, Latifi related the story of how he had a friend who was fond of the bottle but afraid of his wife. On visiting the friend's house one day he called out to him and it was only after a while that the master of the house emerged from under the sofa. The 'master of the house,' Latifi declared, in the course of the proceedings, had not yet appeared from under the sofa. On being asked who the 'master of the house' was, Latifi replied without a blink that it was the Union of India.

(The Union of India had not made any argument in the case and the Attorney General was appearing only in his constitutional capacity). It was needless to spell out who the 'wife' was. It is not known whether the silence of the Union of India on the initial inclination of the court was a factor in determining the view that ultimately found favour with the 9-judge bench.

The Emergency (1975-77) came soon thereafter. During this period, Latifi appeared in several habeas corpus petitions. The post-Emergency phase was also eventful for Latifi. He succeeded in persuading the High Court of Delhi to intervene in a court-martial case and had an officer honourably restored to his rank and position in the army. The judgement rendered by the High Court in R.S. Bhagat's case has spelt out the parameters of judicial review in such matters.

Among Latifi's later cases was the well-known Shah Bano's case, AIR 1985 SC 945. In this case, which became household knowledge in India, Danial Latifi cited the great Muslim jurists, including Imam Shafei and Imam Jafar, in support of his position that the sum provided for maintenance of the divorced woman must in all circumstances be reasonable. He was a source of strength to the Bhopal gas victims' organisations which sought modifications and review of the settlement in February 1989 between the Union of India and Union Carbide.

Latifi was a great exponent of close Sino-Indian ties and was for many years the President of the All India Kotnis Memorial Committee established in memory of the medical mission sent by the Indian National Congress to China in the 1930s. He was, as such associations tend to be, uncritical of the Chinese.

A man of austere habits, Latifi's interests encompassed literature, linguistics, military science and, in recent years, computers. His work on the problem of a common script for Indian languages is a tightly argued case for the adoption of what he has described as a modified Indo-Roman script. He argued that a single uniform script for the Indian languages would help national integration in a manner that few other methods could accomplish. Sentimental considerations, he argued, should never be decisive in the choice of a script.

After analysing the history of diverse scripts which have prevailed in India and in Europe, Latifi concluded that a language lives on while modes of writing change. In pursuance of his scheme for Indo-Romanization of the alphabet he prepared a compilation of some of Ghalib's works under the title 'GazaLiAt-e-GAlib' (the capitals are deliberate and

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indicate assigned sounds). This is rendered in the proposed script and published on behalf of the Muslim Progressive Group (New Delhi, 1969).

In his last years Latifi began to evince greater interest than before in the development of Urdu. He was gratified to find that his stand on Shah Bano's case had come to be supported by a wide section of Muslim opinion. His stamina was in evidence when after a paralytic stroke at the end of March 1989, he quickly recovered and resumed work. A few years ago he was stricken again, this time by cancer. He reacted in a matter of fact manner, quietly got himself admitted to hospital and had the malignancy removed. In recent months, his health had deteriorated once again.

He was full of 'fight' and nothing was too small for him. Some years back when there were fewer ladies at the Bar than there are now, it was discovered that a senior advocate of the court was prone to use the ladies' washroom which was closer to his chamber than the men's room. On one occasion, seeing the venerable gentleman enter the ladies room, Latifi bolted the door from outside, causing quite a commotion. A, perhaps apocryphal, extension of this story is that having locked up the eminent jurist, Latifi sent the key to the Chief Justice of India! Even upto a few days before his death, Latifi was in high spirits, regaling visitors with his theories of recent events in Pakistan.

His first wife, Sarahamma Ittyerah, was a well-known educationist in Lahore She served on the Kumarappa Committee (on Industrial Development) in 1938-39, whose report was much praised by Mahatma Gandhi She was also invited to help, before Independence, in the nationalist work on basic education. Some years after her death, and rather late in life, Latifi married Pakeeza Begum, a descendant of the last Moghul Emperor. Mrs Latifi maintains a warm home, steeped in the old world culture of Purani Dilli.

Anil Nauriya

S.P. Godrej 1912-2000

I knew S.P. Godrej from my childhood, my earliest memories of him go back to when I was 10 years old, listening to him and my father discussing the state of the nation. Every few months on his frequent trips to Delhi, I would experience both my parents and him lost in intense discussion, mainly concerning politics.

He told me only recently that those days he never discussed environment and wildlife or tigers, since it was not an area of interest for my parents. But it became mine and soon after I spent long stretches of time in the Ranthambhore Tiger Reserve, I remember Soli arriving in colourful shirts and racing across the forest in what was his personal passion – to save India's wildlife. Throughout the last 25 years I met Soli frequently and came to realise that at the centre of his passion was the tiger. Only weeks before he died, he called me from Bombay to talk of tigers and to invite me to actively participate in the matters of the World Wide Fund for Nature which his nephew Jamshed had just taken over.

During his tenure as President of WWF he had to face turbulent times as the entire set-up was plagued with controversies and politics. He always felt that the biggest problem of conservation was people not getting along with each other. Somewhere deep down, he believed in people and trusted them but somehow few delivered. In his last years he was very keen to involve the younger generation in matters to do with wildlife.

Soli was a tiger lover and a conservationist at heart and there are none like him in the world of business. However much I may have disagreed with him on so many issues, including the working of WWF-India, this was a man you respected for his unwavering commitment to the cause of keeping the beauty of natural India alive. How many do we know in this world who till their last breath talked of saving tigers and were active in this pursuit till nearly the age of 90.

He came to every wildlife event and function, talk and discussion, and sat right through them. When I completed the BBC series, 'The Land of the Tiger', he came to me and said, 'It's brilliant, the House of Godrej must sponsor it in India.' And they did because it was Soli's very special passion.

One of his frequent tirades was against the ever increasing population of the country. He would say: 'How can we save tigers if we don't curb our population growth – we must find a way to bring down our population.' But we both knew and agreed that we lived in a country with little political will for such vital issues.

When I think of him my memory is of a man whose whole being was so full of the natural world that it always reflected outwards. S.P. Godrej will be sorely missed by forest officers and conservationists alike, but not just them – he will be missed by the countless living organisms that he defended and was the spokesperson for throughout his life. Indian wildlife has lost one of its greatest supporters.

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Valmik Thapar

Backpage

THE more things change, the more they remain the same. Nothing proves the veracity of this aphormism than the current debate occasioned by the Kashmir Assembly's resolution on autonomy, a demand for the restoration of the pre-1953 status. Predictably, the resolution generated howls of protest, with the BJP and its ideological affiliates, the RSS and VHP, castigating the demand as anti-national and secessionist.

Barring Law Minister Ram Jethmalani, who saw some merit in the resolution insofar that it did not question the state's accession to the Indian Union, the alliance partners in the NDA have come down heavily on the demand. The Congress too dismissed the resolution, in turn suggesting that the 1975 Parthasarthy-Beg Accord be the basis of negotiation. And the left, true to its ideological posturing, supported in principle the idea of autonomy while opposing the resolution.

Part of the difficulty in making sense of the discourse on Kashmir is that across the spectrum we seem to be prisoners of history. The fact that Kashmir acceded to the Indian Union under special circumstances is well-known. As is the fact that unlike other provinces and principalities, Kashmir was promised a special dispensation. Equally that whatever was promised to Kashmir in the name of autonomy – from nomenclature to laws – has been steadily whittled down over the years. If anything, barring the now distant 1977, the state has still to witness anything like a 'free and fair' election.

The alienation of the Kashmiri people from the centre (and India?) does not come as a surprise. Many blame it on the overwhelming presence of armed forces, inevitably resulting in the curbing of fundamental freedoms and rights. That Kashmir is a contested site and the Indian Union is fighting a bloody battle against overt and covert Pakistani intrusion cannot be held out as legitimate excuse.

Far more serious is the near complete lack of development and governance in the state. True, an insurgency situation does not facilitate effective governance. Nevertheless, all the different regimes which have ruled the state over the past five decades, must share the blame for the sorry state of affairs. After all, would the case for additional autonomy not have been strengthened had the state government been able to display some progress on some front?

Nothing, however, weakens Kashmir's case for autonomy more than its cussedness in devolving power and resources within. Just as Kashmir claims it is being held hostage to India's self-image as a multi-cultural, plural and secular society, regions within other than the Valley – Jammu and Ladakh – claim that their legitimate aspirations have been thwarted because of the ability of the Valley to blackmail the centre. So, does additional autonomy for the state only translate into further powers to the Valley to suppress the regions?

It would appear so. Unfortunately, the regional autonomy report of the state has engendered less discussion than its more explosive demand for autonomy from the Union. Its proposal to further subdivide the three regions on ethnic majoritarian (read religious) lines carries undertones of the Partition. According to Balraj Puri, whose report on regional autonomy was rejected by the state government, the current proposals, if carried through, will divide every hamlet and settlement on communal lines, result in a massive internal transfer of population, and deal a death blow to a composite Kashmiriyat.

Without for a moment downplaying the ineptitude of the Union government in handling the Kashmiri demand for autonomy – the flip-flops over Farooq Abdullah, playing footsie with the Hurriyat – there is little doubt that demands for special treatment based on exceptionalism will find it difficult to generate widespread support. True, Kashmir is special. But then so are many other states and regions. The Indian Constitution has shown requisite flexibility in accommodating diverse needs. If only the current leadership in the state had located its demand as part of a larger project of restructuring the Indian federal order, it well may have met a different response.

As matters stand we are likely to witness a farcical replay of what has been experienced earlier, with all the parties alternately blowing hot and cold. The major sufferers, as always, will be the people of the state. Once again their basic material demands will be overshadowed by the foregrounding of the symbolic and political. Whether or not anyone will gain, the people of this country will have lost another opportunity to break out of the shackles of the past.

Harsh Sethi

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journal which seeks to reflect through free discussion, very shade of Indian thought and aspiration. Each month, single problem is debated by writers belonging to different persuasions. Opinions expressed have ranged from janata to congress, from sarvodaya to communist to independent. And the non-political specialist too has voiced his views. I way it has been possible to answer a real need of today gather the facts and ideas of this age and to help the people arrive at a certain degree of cohesion and c in facing the problems of economics, of politics, of c
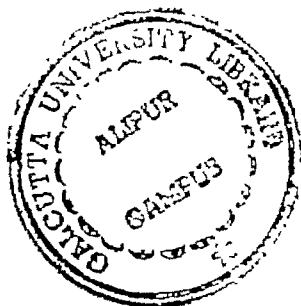
NEXT MONTH: UNVIABLE UNIVERSITII

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REDESIGNING CURRICULA

a symposium on

working a framework

for school education

symposium participants

The problem

THE occasion for this issue of *Seminar* is the publication of a document called 'National Curriculum Framework'. The publishers, NCERT (National Council of Educational Research and Training) calls it a 'discussion document', suggesting thereby that the responses elicited by it will be used to produce a final version. Such an intention raises hopes, apart from indicating faith in participatory democracy. By the same token, it carries the burden of responsibility. A document designed to arouse a *national* debate must show that it has been written with consideration. This one, on the contrary, announces that it was written in a hurry. The preface refers to 'certain compelling circumstances' which meant that 'it could not afford the luxury of taking a very long time in its preparation' (sic).

The reason why taking sufficient time, so that an announcement of this kind would not be necessary, looked like a 'luxury' is said to be 'obvious', namely that 'it would have further delayed the much needed renewal of syllabi and the new generation of textbooks.' We are not told what the 'compelling circumstances' are, but we can make a guess by reading on. After giving the 'obvious' reason for the hurry, the preface says: 'It may be made *absolutely* clear here that as far as some basic philosophy and guidelines are concerned, we are *still* guided by and *also committed to* the policy formulations made in the NPE (National Policy of Education), 1986 and its review in the year 1992.' The three segments of this quotation which have been italicized give us a basis to guess what the 'compelling circumstances' might be. In all probability they were created by the pressure of the new government at the centre.

The new government, or at least the party forming the biggest part in the patchwork alliance, feels uncomfortable with some of the basic ideals expressed in the Indian Constitution. It has an ideological problem with the cultural underpinnings of the nation state which emerged from the anti-colonial struggle. In brief, to use Sunil Khilnani's title, its 'idea of India' is different. That, indeed, is one of the main reasons why this party has such a profound interest in education, unlike other political parties, including the left parties, who treat education as an expensive and tiring chore. Education invokes images of the future; it also promises control of the future. A party which aims to remodel the India built during and after the freedom struggle, and whose ideological ancestry lies in a fundamental contestation for hegemony, not just the power to govern, understandably wants to move quickly towards redirecting education, particularly its curriculum. Speed is crucial because the political mandate this party has received is tenuous and may prove brief. As a ready-to-use tool of the government, the NCERT has no choice but to hurry up.

At the same time, NCERT must allay fears that the very mention of curriculum renewal under a BJP-led government raises in the public mind, given the record of Uttar Pradesh (see *Seminar* 400), Gujarat and the thousands of schools run under the umbrella of the so-called Sangh *parivar*. The NCERT also has a professional conscience to appease. Set up in the early sixties, it carries the stamp of Nehru's commitment to modernity and secularism. Given these external and internal compulsions, it makes sense why the present document must make 'absolutely clear' that it is 'still' guided by and 'also committed to' the basic philosophy enunciated in the mid-eighties when the Congress was in power.

The need for this historical awareness notwithstanding, we must ask what that 'basic philosophy' of the mid-eighties document on education policy was to which this present document makes such a loud, approving reference. The NPE did *name* all the values one associates with the Constitution, but to say that it had a philosophy is both an exaggeration and an example of memory loss. The NPE document assembled all manner of statements to cover the violation of integrity committed during its inception. Few today might remember that the Rajiv government had initiated the debate on education policy by releasing a document called 'The Challenge of Education'. Before the debate could mature, this document was suppressed. Its candour and professional directness were not acceptable to all in the government. The eventual NPE document failed to address a vast number of issues and facts which were listed for debate in the previous document. Barring a few statements of

intent, such as the creation of a separate cadre of civil servants for education and a national testing service – neither of these intentions have been pursued so far – the NPE presented little that was either professional or relevant to the salient ills of the system.

Why the NCERT should refer to the NPE while justifying the present exercise of curriculum renewal may be politically clear, but the attribution of a philosophy to the NPE may have a narrower professional explanation as well. Philosophy of education is one subject that the NCERT has consistently neglected in the nearly four decades of its existence. Indeed, the Council has actively discouraged philosophical reflection on education by institutional mechanisms such as the wholesale adoption of behaviourist psychology as its primary orbit of research and publication. In the early years, sociology had some place in the Council's sphere of activities; later on, that too disappeared. Intellectual or reflective activity that might put a break on the obsessive urge to dip every aspect of education in behaviourist solutions was shunned. The MLL (Minimum Levels of Learning) approach, fashioned out in the early nineties, was the ultimate achievement of this urge. It set to rest any desire or inspiration there might be among curriculum designers to refer to the ideas and legacy of teacher-philosophers like Tagore, Gandhi, Sri Aurobindo and Krishnamurti.

For the NCERT to claim that its National Curriculum Framework stands committed to the philosophy of the NPE and another document that followed it only shows that the Council has forgotten what it means to have a philosophy to be guided by. Repeated contradictions and the chaos of arguments and theories, not to mention the weight of platitudes one finds throughout this new document, bear testimony to this suspicion. The nine quotations of Gandhi used in the document tell the same story, in addition to indicating the advantage Gandhi's name offers as a cover for political hypocrisy. As a professional body, the least that the NCERT might have done was to acknowledge that Gandhi' educational ideals are intertwined with his social ideals, and that – apart from the backlog of our neglect of Gandhi – makes it extremely difficult to draw upon his ideas in any practical and honest sense in a social ethos marked by competitive consumerism.

There is little sign indeed in this document that the Council wants us to notice the professional challenges it faces in the task of modernising curriculum designing and pedagogy, let alone share these challenges. Throughout the document one confronts remarkable verbosity and smugness. The lack of context is also sharp. One finds no reflection of the India where children must beg or toil to supplement the family's income, and where a meagre mid-day meal has been known to make a bigger impact on attendance than any reform in curriculum or teaching. Equally, the document pays little attention to the wealthier Indian where the IIT's name is freely used by coaching shops to earn large sums of money in exchange for skills to excel in the IIT entrance test.

Even the blatant correlation between family income and success in examinations does not figure as a debate-worthy point in this discussion document, though it has a section on 'evaluation'. Indeed, by pathetic strategies like avoiding the term 'examination' in the title of this section, the NCERT indicates its continued adherence to the practice of staying above the day-to-day reality of the system rather than engaging with it. Neither the tools nor the mood to engage with reality are in evidence in this document. Its lack of discourse of engagement, apart from its refusal to prioritise the numerous tasks involved in curriculum renewal in an unreformed system of education, are perhaps the two most important reasons why this document looks so mediocre. The quality of production does little to hide its mediocrity, and perhaps we should be thankful for that. In these respects, and not just its alleged philosophy, it is like the 1986 NPE. This continuity would bear a misappropriation of the poet's metaphor: governments may come and go, but the neglect of education remains.

We may be stung and pained by such an unabashed national display of callousness towards children, but we have no choice in taking the occasion of this document's appearance seriously. Hence this issue of *Seminar*.

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KRISHNA KUMAR

The great Indian tradition

PADMA M SARANGAPANI

THE Yashpal Committee went around the country a few years ago to elicit peoples' perceptions of the problem of curriculum burden, following the great Indian tradition of *janapada mataanveshana*. As a research assistant to the committee, I too talked to teachers and educators in several parts of the country to try and understand how they perceived the problem. One common opinion I heard was that, yes, there is a load, but that it is also necessary: 'We have to catch up with the world and be prepared for the twenty-first century.'

Let us for now bypass the debate of whether the millennium begins this year or the next, or that we would have been spared this confusion if only the West had been introduced earlier to counting from the great Indian Zero. The 21st century is now officially here, and our national educators have taken on a new challenge: moving from a 'burdened curriculum' towards a 'curriculum of the unknown' (p. 21).* They are like their

counterparts in the great Indian tradition, the *ajnatanvestas* or seekers of the unknown, as they stand now on the shores of the vast *brahmandam* of the third millennium, and boldly, yet humbly, seek to make sense of and prepare for it.

The recently released discussion document – the National Curriculum Framework for School Education – gives an idea of the entire scope of the issues that our educators grappled with when it was drafted. The philosophical underpinnings of education had to be definitively moved back more than 3000 years, from the 1960s development discourse to 'the Great Indian Tradition'. And to demonstrate that the 'Indian way of thinking' (p. 1) is up-to-date in matters such as secularism and social welfare for the under-privileged, Mahatma Gandhi had to be included in good measure.

As regards the curriculum itself, the document had to ensure the preservation of the behaviouristic core with which our national curriculum planners and textbook writers are most comfortable; at the same time one had to demonstrate familiarity with modern concepts like the 'zone of proximal development' (p. 32),

* Unless otherwise mentioned, all phrases and sentences within quotes and/or followed by page numbers are taken from the *National Curriculum Framework for School Education: a discussion document* (NCERT, New Delhi, 2000)

'multiple intelligence' (p. 18), 'indigenous knowledge' (p. 9) and 'culture specific pedagogies' (p. 18), many of which are fundamentally anti behaviouristic. Perhaps it is because of the lack of time and the 'compelling circumstances' which have necessitated immediate renewal of syllabi and textbooks (Preface), that the resulting document was forced to sacrifice the great Indian tradition of brevity – the *sutra* or aphoristic form. Unfortunate, because we stakeholders in education must now decipher and discuss 125 dense pages of text.

On reading I soon found myself struggling against the paralysing seduction of an unexpected string of words with extraordinary visual and auditory impact: 'facilitate horizontal and vertical mobility of the learners' (p. 5), 'avoid the catastrophe of human obsolescence' (p. 20), and so on. The trick is to steer clear of these literary vortices. One must not be distracted by the magisterial, ponderous if not bombastic and self-assured rhetorical style of the document. Once this is achieved, most parts can be read very quickly, unencumbered as they are by any meaning.

Written in the style of traditional Indian popular wisdom, the text consists of self-affirming, empty tautologies, viz. the need to 'adequately provide appropriate learning experiences to learners.' It is of course an indisputable truth that learning experiences need to be adequate and appropriate. But one is no wiser at the end as to what adequacy or appropriateness entail. Other recommendations include well-known *mantras* such as 'simple to complex', 'immediate to remote'. Still others reflect little more than the syndrome of keeping-up-with-the-international-Joneses. The plethora of fashionable concerns includes the 'alarming defi-

ciency: emotional illiteracy' (p. 17), 'girl child' (p. 8) and 'children with special needs' (p. 7). Perhaps the only one missing from the document is the nationwide District Primary Education Programme's favourite: 'community participation'.

At the end, one put down the document with mixed emotions – amused, irritated, surprised, but most of all, deeply disturbed. In matters of how knowledge, the learner and the process of learning is to be conceptualized, or the direction that Indian education must take, there were profound contradictions and a veritable lack of clarity. The only agenda expressed with any consistency was the assertion of the great Indian tradition.

From the 1950s, curriculum development in India (textbook writing) approached both knowledge and learning from an essentially behaviourist paradigm. Although no official document presented *any* explicit model of the child as learner, implicitly curriculum developers and textbook writers drew on the behaviourist-connectionist framework wherein knowledge is treated as a given and broken down into a hierarchical taxonomy of 'specific learning objectives'. This approach is marked by a minimalist model of the child – essentially in terms of 'previous knowledge' and the ability to respond and show 'observable behaviour' when motivated, which the teachers can then select and shape. Children can be easily evaluated against these learning objectives; failure is handled with remedial teaching. The process is teacher-centred. There is no need for a theory of cognition and learning; only one of altering and reinforcing responses with appropriate feedback – rewards such as praise and punishment like teacher disapproval. These concepts and

vocabulary can be traced back to the influence of Benjamin Bloom and other American curriculum experts of the 1950s on the newly created NCERT. .

The debate that gathered force 1970s onwards – whether to model the child's learning in behaviourist or constructivist terms – passed Indian curriculum developers by. According to constructivism, the child like any other human being is regarded as engaged in making sense of the world, acting upon it, and producing knowledge. A curriculum based on this model is interactional; the child's present and potential development determine the kind of learning experiences the teacher must provide. By the early 1990s, it was difficult to ignore the fact that a paradigm shift had occurred everywhere else in the world. Our documents reflected the growing centrality of the child in discussions of education, but only in the phrase 'child-centred'. The cult of 'specific learning objectives', however, survived by reinventing itself, in the form of 'minimum levels of learning' (MLL).** These levels, it was claimed, would not only establish standards of achievement, they would also help to free the teacher from textbook and evaluation-centred teaching and practice child-friendly pedagogy.

But by their very nature, the MLL is no different from the highly specific, fragmentary learning objectives in terms of observable behaviour. It comprises of long, detailed subject-wise lists for classes I to V. For example, the list in Mathematics for class I begins with 'Count 1-20 using objects and pictures'. Other items in the same list include: 'Identify zero as the number representing nothing or the absence of objects in a collection', **15**

** *Minimum Levels of Learning* (NCERT, 1991).

'Arrange numbers 1-100 in ascending and descending order', and so on (MLL, p. 20-21). Not surprisingly, the MLL has not brought about any Copernican revolution in which the child replaces the teacher as the centre of the curriculum. Post-MLL curriculum related activities continue to be narrowly teacher-defined and led, and are geared to evaluation. The problem is not one of creating standards or defining objectives. Education needs both. Rather it is one of defining these standards and objectives based on a model of the child as essentially receiving knowledge as also a model of learning as exhibiting 'observable behaviour' according to a narrowly defined timetable.

Compare the two objectives given above to 'national standards' defined by the NCTM*** for the same area, numeracy, from kindergarten to grade 4: 'Construct number meanings through real-world experiences and the use of physical materials'... 'Interpret the multiple uses of numbers encountered in the real world' (NCTM, p. 29). This is followed by a discussion of what abilities and understanding can be developed, with what kind of learning experiences. Such a statement of standards reflects a perspective in which mathematical knowledge, even of numbers, is not fragmented into logical bits, but seen as growing out of the child's efforts at 'mathematizing' her experiences; using what she knows, interpreting and learning. Learning is not seen as the outcome of specific pedagogic acts, but as emerging over a period of time.

Given the formidable presence of the MLL in all new curricular initiatives of the state, it was a pleasant surprise to see on page 17 of the new National Curriculum Framework, a

*** *Curriculum and Evaluation Standards for School Mathematics* (NCTM, 1989).

section titled 'Child as a Constructor of his Knowledge'. Finally it appeared that the foundations of school curriculum would be shifted away from archaic misconceptions of the child as a learner. Just how can we aspire to be 'a knowledge-centred India' or 'learn to learn' unless children are made active participants in their learning? Espousing the constructivist paradigm should have led to its logical conclusion of reorienting the approach to the curriculum – in matters of selection, organization, transaction and evaluation. Unfortunately, nothing in the following chapters indicated that the edifice was going to be reconstructed.

Instead, in chapter 2, there was a restatement of commitment to the MLL, followed by one of the most explicitly stated commitment to behaviourism I have seen! 'While identifying objectives, it is necessary to proceed towards various degrees of specificity, from very general objectives of curriculum, through somewhat specific objectives for each stage of education, to precisely stated specific objectives for each subject area in the form of expected learning outcomes indicating the exact behaviour a learner *would be able to demonstrate after the curriculum transaction*.' (pp. 28-29, emphasis mine).

A number of explanations could be offered for this goof-up. A charitable one would be that the various chapters were written by different people who didn't know what the others were writing, and it was by oversight that the editorial board missed the fact that chapter 1 and 2 fundamentally contradict each other. A less charitable one would be that chapter 1 is based on the great Indian tradition of trying to please everybody: we say what they would like to hear, sweetly, but we don't really mean it. This paradigmatic contradiction makes the document seriously flawed. But this apart, the recommitment to behaviourism suggests a mulish refusal to reconsider the foundation on which curricula and pedagogy have been structured so far. At a time when we need to creatively rethink curriculum if we want to achieve universal elementary education, this stubborn restatement of a flawed perspective is retrograde.

In retrospect, one should have caught an indication earlier within chapter 1 itself, which suggests that the old order is not about to give way to the new; it is only going to re-invent itself. The call to 'link cognition and emotion' and incorporate a 'multiple intelligence approach' seemed to signal the much awaited cognitive and rational approach to old Indian favourites: 'character', 'morals' and 'values'. Even though this was an anguished response to 'alarming deficiency: emotional intelligence', still, there seemed hope that we might be moving beyond simplistic solutions such as making value education a school subject. (Where, in the learning objectives approach, after hearing the story of 'the honest woodcutter', children can be expected to demonstrate honest behaviour). In contrast to this section was a much longer one on 'value education', described as 'non cognitive' areas of learning for personal and social growth. Its list of key qualities included regularity, punctuality, industriousness/diligence, sense of duty and service, and of course cleanliness (p. 14). It seemed to have been drawn straight from a medieval text, the *sarada tilak* on *adarsh vidhyarthi* (model student).

There was no conceptual clarity on the direction that Indian education must forge. First generation learners were referred to in the same breath as physically, mentally and visually challenged pupils, and disadvantaged

sections of society (p. 7). Surely after 50 years of post-Independence educational effort and understanding we need less patronizing ways of responding to the need for universalizing elementary education. The document noted the 'worldwide recognition of the indigenous knowledge system' (p. 10). It also recognized the need for consciously incorporating 'the fundamental rights of minorities and people coming from disadvantaged groups like scheduled castes, scheduled tribes and other backward communities' (p. 8), and 'using culture-specific pedagogies' (p. 18). And yet it failed completely in combining them and making a conceptual breakthrough in the matter of educating children in their cultural contexts.

'Contextualization' is not simply a matter of detail that can be taken care of in textbooks (p. 8) or through pedagogic exercises such as story telling, dramatics and puppetry (p. 18). Instruments such as MLL which measure students against narrow, decontextualized standards, will continue to show tribal and lower caste people as 'disadvantaged' and 'deprived' in educational settings. And no amount of remedial teaching, and/or condensing the core curriculum for migratory children, will mitigate its disastrous consequences for identity, personal and collective. Never mind that children across the country are burdened by the total lack of meaning of what they learn in school, mostly through the great Indian tradition of memorization. There was barely a mention of this central problem of the Indian school curriculum.

Periodically there were articulations akin to the dangerous political discourse that feeds off Indian chauvinism. We are informed at the very start of the document of 'facts of history' such as the world's first univer-

sities were in India and that the 18 subjects for study mentioned in the Chandogya Upanishad included disaster management, linguistics and defence studies (p. 1). The document also panders to what it called 'paradoxes' – that our students know more about Newton than Aryabhatta, are knowledgeable about the computer but not about the concept of zero (p. 10). Both these are educationally irrelevant preoccupations.

The Indian tradition can be depended upon to find ancient equivalents for all modern conditions: *Vasudaiva kutumbam'* for the global village (p. 10), and *sehriddya sarvabhutam* for social cohesion and learning to live together (p. 9). Perhaps it is only to bring out the continuity between cultural tradition and information sciences that 'computer simulation and drill' is specially highlighted as an important learning tool for social science study (p. 53). (Interestingly, the mathematics curriculum specialists seem to have felt that though computers are growing in importance, they are not absolutely essential, especially given the economic disparities in the country [p. 43].)

More ominous was a sentence buried deep in the section on science as a subject of the core curriculum. After the usual rhetoric on scientific temper as essential to a wholesome attitude, we are told that the spirit of enquiry must extend 'to sustain some popular traditional faiths which have been rejected outright because of impatient rationality and motivated cynicism', 'even in areas where scientific evidence is not so far available' (p.49).

At the end of the 'hefty' 125 pages, one wonders what holds together the variety of ideas and intentions expressed in this document. The answer lies within the document itself; another great Indian tradition, which

is gaining popularity – a more politically expedient technique derived from *purna ganita* or holistic mathematics. Here, in order to synthesize a whole from some parts, you simply put all the parts together and give it an appropriate name. In the past this great Indian method for adding dissimilar things had been used to create the subject 'Environmental Studies': 1 subject (Environmental studies) = 1 subject (science) + 1 subject (social studies); 1 = 1 + 1.

In the accounting ledger for curriculum load, this looks very neat. Of course in reality, this 'subject' is represented by two separate books – one for science and the other for social studies. Similarly, 1 subject (social studies) = 1 subject (history) + 1 subject (geography) + 1 subject (civics?) + 1 subject (economics).

We find this technique being repeatedly invoked in the document to add new areas to the curriculum without attracting the attention of the load-watchdogs: 'The three areas of work education, arts (fine and performing), and health activities may be put together *and a suitable name be given to them'* (p. 36, emphasis mine). (The inclusion of 'aesthetics' and renewal of interest in 'work' were the only promising parts of the document, until this travesty.)

This then seems to have been the technique to produce the discussion document. First list everything that must be included, then write them up, sort them into chapters, and finally bind everything into a document. The great Indian traditions of eclecticism and synthesis can help tide over any difficulty. Leafing through the wordy, cliché ridden document, I was struck repeatedly by the myriad, mediocre ideas and expression. I mused *a la* Goethe: Is it that 'when ideas fail, words come in handy'?

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On curriculum framework

ROHIT DHANKAR

THE National Council for Educational Research and Training (NCERT) has prepared a new document called 'National Curriculum Framework for School Education'. The new document is being discussed in seminars and workshops at various levels. Sometime back the NCERT held discussions on another document, 'The Primary Years: Towards a Curriculum Framework'; this was supposed to provide a curricular framework as well as serve as a curriculum document. Still earlier we had seen a nationwide debate on another document, 'The Minimum Levels of Learning at the Primary Stage'; this was neither a curriculum framework, a curriculum, nor a syllabus, but a prescription of learning outcomes, what is sometimes called national standards for the primary stage.

Meanwhile, the State Institute of Educational Research and Training (SIERT), Udaipur, Rajasthan has been holding discussions with chosen people on what they at one time called *janasammat shikshakram*. Agencies in other states have not been idle either; they too have been busy reforming their school curricula. All this activity in the area of curriculum is a positive sign. If we want to improve the quality of school education, a close look at the curricula is perhaps the first step. But it seems that there is neither a movement towards broad consensus nor a furthering of clarity on curricular issues.

Questions related to curricula are raised and duly disposed of in the workshops/seminars held all over the nation without generating any sustained dialogue in society, not even in narrow educational circles. The arguments for or against proposed changes make little difference. More than help formulate better argued or more rational positions, the debate only seems to provide an opportunity to let off steam for those who disagree. Similarly, the agencies preparing these documents seem open only to the arguments that validate their own positions.

This is probably because we do not critique these documents; rather we just have our say. A critique is possible only from a perspective, when one sets out the relevant questions to be asked and express opinions with supporting arguments which can be publicly examined. Sundry comments, however learned, when made without an overall perspective and shorn of supporting arguments are no more than personal preferences,

publicly expressed, and to be taken on trust.

Personal preferences, of course, are not to be dismissed; they do have their place in a democratic debate. But only if woven together to form part of an argument. Otherwise they remain disjointed and do not contribute to a rational dialogue. They remain monadic prescriptions floating in the air on the strength of their originator's position and not because of their relevance or rational worth. Worse, they preempt serious debate. Most of the points raised in the debate sound so familiar that they may actually be misinterpreted. I believe that is what has happened repeatedly with our curricular debates.

How does one critique a curriculum framework? Assess its worth? Can an analysis of particular parts, considered independently from each other, do the job? Or do we need something more? If we want people to understand our critique we need more than an analysis of parts alone; we must define the perspective in which our critique is made.

A good curriculum framework should be a system of most basic principles and assumptions, capable of providing rational basis for curricular choices. Curricular choices are not limited to just what should be taught, but indicate choices regarding how to teach, under what conditions, by whom, with what teaching aids, how the evaluation should be carried out, and so on. In other words, the spectrum of choices which define what schools should be doing and how.

Cultural ideals, parents' perceptions of the politico-economic scenario and their aspirations play a crucial role in all curricular decisions. India, as we so often remind ourselves, is a complex, multicultural society. Therefore, the ideals, perceptions and

aspirations vary widely. This makes it difficult to select the set of most basic principles and assumptions that would be acceptable to all. The wider the differences, the more difficult it is to formulate a framework; and yet, the greater is the need.

The very diversity in society adds urgency to the questions of equity, of multiple identities and of national identity. The most potent means of safeguarding equity in a democratic society is to make good quality education available to all. And any assessment of the quality of education requires criteria which can be provided *only* by a good curriculum framework.

I am not arguing that the presence of a curriculum framework would by itself ensure provision of equal opportunity for equally good quality education for all. All I am saying is that having a curriculum framework is a necessary condition; it may not be, and most certainly is not a sufficient condition. It is therefore justifiable to say that the greater the diversity in a society, the more urgent is the need for an acceptable curriculum framework.

The most basic principles will have to be dynamically evolved. They cannot be 'unearthed' and fixed for all times to come. They have to be constantly contested and reformulated. But again, as the best available set of principles at a given time to make rational decisions they do need to be respected. This ability to keep an open mind about a principle and at the same time respect it as a conviction is fundamental to critical thinking as well as democratic temperament. A good curriculum framework would need to have qualities that evoke this kind of 'critical appreciation'.

In school education we are concerned with the development of understanding and capability for action.

Understanding includes knowledge in all its forms as well as values and sensitivity. The capacity for action involves skills of various kinds. One can safely say that the curricular decisions are either about the choice of knowledge, values and/or skills to be included in or excluded from the programme of education; alternatively they are about how to develop these abilities in children.

A curriculum framework cannot attempt to provide a list of all the knowledge, values and skills to be imparted to or developed in the children. There are several problems with this 'list form' of a curriculum framework. India is a plural society with wide-ranging geographical and environmental variations. Therefore, the sheer demands of day to day life and the valued cultural goods vary greatly. This leaves no hope that any list, howsoever comprehensive, can meet the needs and aspirations of all people and communities in our society.

Any attempt to make such a comprehensive list would result in inclusion of almost everything. That would render the list useless because it will become too unwieldy and marked by self-contradiction. If we have a small manageable list it will leave too many people dissatisfied and the teachers and others in education would perceive it as an instrument to be used against their academic freedom. What I am trying to establish is that a curriculum framework would need to go deeper than just cobble up a list of cultural and social goods.

We have to go one level beyond and look at the considerations that influence our choices of knowledge, values and skills for the school curricula. A choice is more than just picking up one of a given set of alternatives without giving it any thought or just on the impulse of a whim. A genuine

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choice should be supported by some sort of reasons. The reasons we advance for making public choices are based on basic assumptions that we hope are acceptable to our audience. The set of such basic assumption relevant to curricular choices can be organised under four broad heads:

1) Assumptions concerning our understanding of human beings and society. Assumptions in this category answer questions like: What is a human being? What is the purpose of life, if any? How are society and humans related?

2) Our assumptions about the nature of human understanding and modes of human action. The assumptions in this category answer question like: What is knowledge? Where does it come from? How is it acquired? How can human knowledge be organised? What is a skill? What is the relationship between knowledge, skills and action; between skill, work and society?

3) Our understanding of human learning. This includes questions about what learning is, the place of learning in human life, how human beings learn, and under what conditions.

4) The context of the learner. This begins with the immediate socio-cultural and geographical situation of the child – the village. But it does not end there and extends to the nation, the world and to the entire universe.

Some people would argue that knowledge or information about the last two is all that is needed to make curricular choices; all others are just created ideas and should play no role in curricular decisions. This view, if accepted, would reduce curriculum planning to an application of psychology. This view is fallacious because, every interpretation of socio historical reality is bound to have one or other set of assumptions about the nature of

human beings and society. Psychology can at the best inform us about what can and cannot be taught at a certain age and how best to teach. It cannot help in deciding what to teach and what not to teach.

All of us, including educationists, have some basic assumptions about these four categories, and whether or not we explicate them, our decisions about curricula and education draw upon these assumptions. The most fundamental disagreements arise out of differences in these basic assumptions. While other disagreements may be resolved through dialogue, the fundamental disagreements which arise out of the core set of assumptions (beliefs, principles, convictions *et al.*) may not always be resolvable; at times we may even have to live with them. Therefore, a curriculum framework for education in a pluralistic society should first of all clarify its stand on these basic assumptions. Leaving the reader and the educational community at large to guess the stand taken on the core principles would be tantamount to inviting confusion on the one hand and asking them to take too much on faith on the other.

My comments on the discussion document of the National Curriculum Framework for School Education are made from the perspective which I have just outlined. The comments are primarily on its first two chapters: Curriculum concerns and issues and Organisation of curriculum at elementary and secondary stages. I have organised my comments around the four basic areas: the relationship of the human beings to society, the nature of knowledge and understanding, human learning, and the context of the learner.

How does the document look at a human being and his/her relation-

ship with society? A 'human being,' according to the document, 'is a positive asset and a precious national resource which needs to be cherished, nurtured and developed with tenderness and care coupled with dynamism.' At times the reader may feel that a more liberal view of human beings is also advanced, for example in the sections called 'Child as a constructor of his knowledge' (1.2.12) and 'Characteristics of a learner' (2.3.3). But both these sections are restricted to pedagogical aspects, and their implications are not reflected in other sections which deal with aims of education or comments on socio-political aspects of education.

(The document seems to be more liberal in its psychological than in its socio-political vision! There should have been a tension within the document because of these two different views taken of human beings in different sections of the document. In any case, children, as future citizens, are primarily seen as national resources, even if cherished ones.)

But what is wrong in seeing citizens as a national resource? Is it not patriotic to consider ourselves a national resource? Should not one be proud if one is lucky enough to be useful to the nation? I have no doubt that one should be proud of herself if the nation finds her useful. But the view that we are primarily a national resource, leaves much to be desired. It strips an individual of any intrinsic worth. She is seen as a resource, and is of no value if not found to be good enough as such. This is disquieting.

In a democracy the relationship between a human being and her nation is a dynamic one. One vision could be that we collectively have a shared notion of a human being due to cultural and biological reasons and shape our nation and society so that

collective notion could be optimally realised and further enriched. Here the notion of human being is primary and, to my mind, democracy as an ideal can be justified only if we accept the notion of human being as primary. In this vision we shape our society and nation to match our shared notion of human beings.

This does not mean that a human being actually comes before society and then creates a society of her choice. The relationship is much more complex, the notion of human being itself becomes possible only in a society. But culturally and psychologically we have reached a stage where we critically analyse ourselves as well as the society we live in, that gives us room enough to at least partially define and shape ourselves and our society.

The view that human beings are primarily a resource takes that freedom away from us. When we look at the human being primarily as a national resource then the nation becomes the primary notion. This leads to an absurd position, as one cannot conceive a nation without formulating ideals which make human life worth living. To avoid this absurdity, too heavy a reliance on national goals becomes necessary.

National goals are seen not as targets to better realise the shared notion of human being, but something holy and sacrosanct for which citizens can be used. Here, the society is split between the national goal setters and those who should be used for achieving these goals. Thus the nation society rearranges itself into resources and users of those resources. This position undermines equality and reaffirms the status quo.

A view of human beings as a source is bound to measure the relative worth of people in terms of their usefulness in context of the agenda set by the rulers. If that agenda happens to be success in the market-driven economy, the more money you make a more valuable human being you become. And those who do not contribute in that manner are perceived as a burden. This view of human beings is not acceptable in a democratic and egalitarian society. Considering the human being as the primary notion does not allow for this kind of human devaluation. Though each citizen is a resource for the nation but that is her secondary characteristic; she is primarily a human being in her own right.

(The document declares that a human being is a positive asset at the very beginning, implying thereby that the human being is not a burden. But by the time it starts listing thrust areas and goals of education, the small family norm becomes important. If human beings are a positive asset then the more there are the better? Where is the need for population control? Facetious though it may seem, this does illustrate my point that simplistic positions, although apparently more communicative, cannot do justice to the complex of ideological choices embedded in a curricular document.)

It should not be too difficult to establish that a curriculum framework does need a theory of knowledge, bearing directly on questions of the selection of learning experiences, their ordering, and organisation. For example, the debate about integration of all subjects at the primary stage cannot be decided without referring to epistemology. One cannot proceed to integrate say, science and history without asking whether scientific knowledge is different from historical knowledge, and if so how? What bearing does that difference have on the teaching of the two subjects? Why, one cannot even define the much-favoured 'scientific temper' without recourse to epistemology. For philosophers the nature of knowledge and the connected question of structure of disciplines are the most important considerations for curriculum formulation.

The national curriculum document, however, seems to completely ignore the need for a theory of knowledge. This is evident from even a cursory reading of the various lists of concerns given. There are category mismatches in the lists provided to define thrust areas (p. 23) and general objectives of education (p. 29). These lists contain many overlapping and trivial points. As pointed out earlier, one cannot meet the requirements of an adequate epistemology for a curriculum through lists, howsoever long and comprehensive. Also, they do not place various epistemic activities such as enquiry, reasoning, questioning, exploration, etc. in any general integrative framework or approach to the growth and development of knowledge in the human mind.

One is at a loss to understand why the document assumes that exploration, problem solving, decision-making, interactive group learning, understanding the web of relationships, seeing patterns, etc. are linked with information and communication technologies? Some of these ideas are as old as the tradition of education itself and others have been emphasised from the time when the IT was nowhere in sight.

What has IT got to do with these ideas? Does IT promote exploration or problem solving or decision-making in any sense? What is the specific impact of IT on education, if any? How is the computer, with all its paraphernalia, a better educational tool than, say a well-written book or even the lowly blackboard and chalk? The

idea of life-skills is another example of attempts to carve out concepts which muddle thinking rather than adding to clarity.

'Life skills are abilities for adaptive and positive behaviour that enable individuals to deal effectively with demands and challenges of everyday life, by developing in them generic skills related to wide variety of areas such as health and social needs.' What can one make of this definition? Especially if examples of 'certain core life skills' include 'problem solving, critical thinking, communication, self-awareness, coping with stress, decision-making, creative thinking, interpersonal relationships and empathy?'

Well, one may be tempted to ask the authors to provide an example of something worth teaching which does not qualify as a life skill by this definition. What is the use of a concept of life skills that includes all the aims of education? This is an example of a problem created by lack of an epistemological perspective.

This lack of perspective is also manifested in the sections on integrating diverse curricular concerns (1.2.9), and reducing the curriculum load (1.2.11). The document rightly denounces the tendency to clamour for inclusion of 'environmental education', 'consumer education', 'AIDS education', etc. as separate areas of knowledge. But it does not seem to differentiate between collection of information and bodies of knowledge. The solution to this problem does not lie in incorporating information related to these so called important concerns in already existing subject areas like science or social studies. The solution lies in understanding the nature of science and social studies and then teaching them in a fashion that develops abilities to understand

problems and issues related to environment and society.

Again, in reducing curriculum load, the document rightly emphasises a shift away from content (understood as collection of information), but does not work out implications of 'learning to learn', which is not a matter of emphasising process alone. Without some criteria to decide on the relative worth of what is learnt, the problem of curriculum load cannot be solved.

Psychological arguments alone cannot decide these issues. Since the document does not have an epistemological perspective the list of concerns in the first chapter remains just that, a list of concerns. It does not help in formulating any viewpoint or a set of principles to provide grounds for curricular decision-making.

In contrast to the two earlier areas, the document is aware of the need to have a perspective on learning. A good attempt is made in the second chapter, in the section on characteristics of a learner, to state the important points of this perspective; the section 'Child as a constructor of knowledge' also helps in this regard. Social constructivist psychology is favoured, but there is no hint of the epistemological assumptions behind that psychology. Therefore, it seems that while this psychological perspective is seen as useful in guiding pedagogical interactions, it is not expected to influence either curriculum organisation, the categorisation of knowledge, or in demarcating subject areas and understanding their relative importance.

In addition to the social constructivist position, Howard Gardner's 'Theory of Multiple Intelligences' and the four pillars of education made famous by the Delors report, 'Learning: The Treasure Within' have also been mentioned. But the theory of

multiple intelligences is invoked only to emphasise the need for emotional education. This seems to suggest that the authors of the national curriculum framework do not think that constructivist psychology can adequately deal with emotional development. But we are left to guess this as the inadequacy of the constructivist psychology is not shown. Apart from stating that we must have curricula based on 'MI theory', there is no explanation of what this may involve. The famous four pillars of education appear rather shaky. This is not to critique either of these two theories, but to make the point that sketchy references cannot serve as a basis to persuade us that the edifice of school education must be built on these foundations.

The fourth aspect is the context of the learner. Even though the discussion is primarily on the socio economic context of the learner, this is the only area that the document does present fairly elaborately. The position must be culled from various concerns expressed, such as 'impact of globalization', 'challenge of information and communication technologies', etc. (The choice of concerns included are not self-explanatory. Why does meeting the so-called challenges posed by information technology figure as a concern in the document, while acceptance of crime and corrupt practices in national and state politics does not? Why does the rise of fundamentalism not feature?)

'Curriculum development essentially is a process of permanent search for qualitative improvement in response to different changes in the society' (p. 6), 'responding to the impact of globalisation' (p. 10), 'meeting the challenge of information and communication technologies' (p. 1 emphases mine). In all these quot.

tions taken from the National Curriculum document, *'change in the society'* is the most dynamic aspect of the learner's context. The individual, the learner, is cast as a *reactive entity*. The learner only reacts, responds; she does not act. The learner is not seen as a proactive entity.

There is nothing to suggest that she can be a change maker, the author of change in the society. But the concern seems to be that she should be made capable of responding to the change, and for coping with the changes being made by others. Thus the learner is not expected to strive to make a society of her choice; she should be busy only with finding a place for herself in the scheme of things as they are.

Equity is mentioned at many places in the document, and this is one of the positive aspects. But a curriculum for equity does not, cannot, see human beings as resource, cannot rest assured on the strength of capabilities to respond to changes caused by factors beyond ones control. If those who are less then equal want equity in society they must have the capability to become fountainheads of change. The ideal of equality and the notion of human being accepted in the document cannot go together. Unless we can visualise the curriculum development process as a dynamic and perpetual quest for transforming our society into a just (equitable?) society, and of constantly expending the horizon of human possibilities, we will always be led by those in control, or God.

The National Curriculum Framework – 1988 had 'equality of education and opportunity' as its first concern. The new document has 'education for a cohesive society' in its place. Cohesiveness recurs in only two sub-sections. First, in connection with education of children from disadvantaged groups and second, towards the end to recommend 'learning to live together'. Equality of opportunity features at places in somewhat guarded terms.

What is the primary goal here – cohesion or justice? Cohesion through justice and equity? What if one has to sacrifice justice and equity for cohesion? These questions come to mind because the new framework has replaced a more important value (equality) with a less important one (cohesiveness). Cautious comments such as equality not meaning 'nominal equality, the same treatment for everyone', under the heading of 'cohesive society', may give a feeling of something being amiss. Highly undemocratic societies can be cohesive both in theory and practice. Wouldn't it be better to strive for a democratic, egalitarian and pluralistic society through education?

Globalisation is recognised as an outcome of technological changes, geopolitical evolution and 'a dominant ideology of regulation by the market.' But in the suggested ways of responding to it, the most important aspect of the ideology of regulation by the market is totally ignored. The idea of the market providing the regulating principles for society rather than being regulated by social needs and ideals contradicts the ideals of liberal, humanistic education.

This is the biggest danger of globalisation; the very decision to cater to capabilities that ensure success in an arena where the only value is money makes it nothing less than a complete surrender. An adequate response to globalisation would be to understand the dangers of accepting the market as ones master. The conviction of intrinsic worth of human being and commitment to equality, coupled with the understanding of subtle impact of market forces on value systems, are essential tools to guard against this danger.

One could go into the document line by line, and take it apart. But the arguments I have placed above should be enough to establish that this document is not worth accepting in its present form.

In this final section I would like to engage with a debate which has assumed centrality in the present political climate and is reflected in the curriculum document – the question of religion and values, and their place in the school curriculum. 'Secularism,' according to the document 'in the present educational parlance, has wrongly been misunderstood as rejection of religion. There has now emerged an opinion that the term ought to mean equal understanding of and respect for all religions, *"sarva-dharma samabhava"* or *"panthanira-pekshata".*' Secularism, according to Oxford Advanced Learners' dictionary means 'belief that morality, education, etc. should not be based on religion.'

According to the Catholic Encyclopaedia: 'Secularism is that which seeks the development of the physical, moral, and intellectual nature of man to the highest possible point as the immediate duty of life – which inculcates the practical sufficiency of natural morality apart from Atheism, Theism or the Bible – which selects as its methods of procedure the promotion of human improvement by material means, and proposes these positive agreements as the common bond of union, to all who would regulate life by reason and enhoble it by service' (Principles of Secularism, 17).

And again, 'Secularism is a code of duty pertaining to this life founded

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on considerations purely human, and intended mainly for those who find theology indefinite or inadequate, unreliable or unbelievable' (English Secularism, 35).

'Secularism,' according to Charles Watts, 'in dealing with the social problems of the day, relies upon human reason, not upon "divine" faith; upon fact, not upon fiction; upon experience, not upon a supposed supernatural revelation. It can discover no value in what is termed spiritual proposals as a remedy for existing evils. Hence secularists can recognise only that as being socially useful which tends to the physical, mental, moral, and political improvement of mankind as members of the general commonwealth. Considerations about matters that are said to transcend the province of reason, and that make the business of this life merely of secondary importance, secularists deem to be, at the most, only of theoretical interest, and of no real service in the social struggle in which society is at present engaged.'

These three quotes are to indicate that the word 'secularism' has been and is associated with certain ideas that have no use for either God or religion. But the national curriculum document seems to be responding to a notion of secularism which is different from what these dictionaries and encyclopaedias say on the matter. Therefore, one needs to see the merits of what the document believes about secularism. The main points made in the section on 'Egalitarianism, democracy and secularism' are as follows:

1) We should try to promote 'equal understanding of and equal respect for all religions' through education.
2) 'Sarvadharma Samabhava' is the same thing as 'panthnirpekshata'.
3) Religion in its basic form (devoid of myth, dogma and ritual) would

draw younger generation to basic moral and spiritual values.
4) Only education that leads to belief in God can make for the service of the country and humanity.

A state run education system may try to promote equal understanding of all religions by prescribing a certain curriculum without actually infringing upon students right of freedom of faith and beliefs. But that is possible only when all religions are subjected to critical analysis in the classroom without any bias, and the students at the end are left to make up their own minds. But this may not lead to equal respect for all religions in the students. It may lead students to accept different religious dogma as truth or it may lead some to have equal disbelief in all.

Demanding equal respect for sets of beliefs or dogmas is nothing but indoctrination. A state run education system in a pluralistic democratic society cannot justify getting into it. (It is also in stark contrast to the scientific temper, much praised in the document.) It goes without saying that it is totally antithetical to critical thinking.

In psychological terms no actual believer is capable of equal respect for all religions. One may have equal respect for all human beings irrespective of their religion, but a nonbeliever is more likely to pass this test than a believer, though theoretically a believer may be capable of it as well. But equal respect for all human beings, irrespective of their religions, is not the same thing as equal respect for their religions. A public education system can only be equidistant from all and keep its decision making free from religious interference.

'Sarvadharma samabhava' interpreted literally would mean having similar attitude to all religions. The

attitude in question may be equally positive to all, equally negative to all, or equal lack of concern for all. But here it is meant as equally sympathetic to all. Panthnirpekshata is actually closer to the term secular. A state is panthnirpeksha when it does not allow its policy decisions to be swayed by religious beliefs of any kind. This attitude entails no respect, or lack of respect; just a determination to keep religious beliefs at bay. Therefore, sarvadharma samabhava can be a synonym of panthnirpekshata only if it means equal unconcern for all, but that is secularism in its original form! The other possibilities are inconsistent with panthnirpekshata.

The document hints at more than one place that morality is dependent on religion. And that religion can lend a helping hand in moral education. Both these contentions are unfounded. There is sufficient literature on the theme. Here I will only make a few short comments. I do not believe there is any study which shows that believers are more moral than nonbelievers.

Religious morality is based on an unfounded belief in divinity and life after death. It is a rather coarse and utilitarian view which is contrary to critical thinking and reason. It gives religious leaders power over people's minds, which is often misused. And of course, there is no such thing as religion devoid of myth, dogma and ritual. Mahatma Gandhi has been quoted here – it is either out of context, and means something quiet different from what it was meant to express, or it is highly problematic and untenable, totally devoid of any merit, even if it comes from the Mahatma. The quotation would suggest that an (atheist) citizen can be of no service to the country or to humanity. Does such an obviously incorrect statement need refutation?

The granite reading of a rainbow

MOHAMMAD TALIB

THE shades of blue and purple which colour the cover page of *The National Curriculum Framework For School Education (2000)* ought not to be misread for the mood which accompany its reading. It is a purely symbolic arbitrary relation. But reading the document in a social context does capture an interplanetary voyage – from the granite social reality of the marginalized to the rainbow terrain of rarefied policy documents in education.

Behind the snowy haze of the glazed cover of the discussion document, it is not easy to locate resemblances in the faces of children. Which margin of society do they represent – the denuded hill society of Uttar Pradesh? Or migrants from a sanctuarized forest? Displaced migrants of a mega development project? But such probing seems premature at this stage of reading.

The discussion document is a good illustration of the genre of policy writing on education. The texts never explicitly provide a description of what the actors do in schools. Even when the text points to what they

ought to be doing, it is not clear as to what the state and status of the desired practice is at the actual site of a school. Yet the discussion document outlines the curricular concerns and issues addressed universally, independent of varied contexts. The vantage point casts the text in a position of authority over ordinary teachers and students, in formal and non-formal institutional settings. After all, the theory and practice of education in schools is, often enough, local editions of contextualised tailoring, a rule of thumb that does not know itself in a universal idiom.

The document weaves its authority through various fragments loosely put together. It begins with an ultimate reason of the Constitution of India, Chapter 4A. Before one figures out the why of particular selection of the fundamental duties of citizens (Article 51A), the tone of citation evokes the image of a school master carrying the ubiquitous pedagogic device – a slender yet sturdy cane plucked from neem, peepal or eucalyptus tree at the time of morning assembly. The field

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material of schools from the countryside provides us with interesting names of the device – *samaj sudharak yantra* (the instrument for social reform), *tambeehul ghafileen* (cautioning-the-inattentive device). These images erupt casually at the moment.

Not unlike the opening pages of the manual of some total institution, the document's constitutional prescriptions are so flagrantly out of context that the ethical competence of the audience suddenly appears suspect. The reference to duties and the constituent fundamentals appear as distant to the learner's psyche as a totem to the believer. Some of the conspicuous ones are the national flag, national anthem, integrity of India, national service, composite culture, protection of national environment and public property with a pledge to abjure violence so that the nation rises to higher levels of achievement (p. vii).

The above foundations are placed at a high distance from the addressees' hurly burly everyday routine. They would scarcely comprehend the higher order transmissions from the context of their lives. The motifs of the guiding principles of the Constitution in the discussion document meant for the learners of the 21st century cannot be immediately discerned. These could only be *passed down* and *taken in* with absolute compliance.

The entire exercise of evolving a discussion document gives birth to both the expert framers of ethical standards and those lacking in proper frames. It is also important that the long process of both life and learning unconsciously reflect the curricular concerns of the experts. Usually, these are not couched in the formalistic or ritualistic idiom of authorities. Thereby, their recognition becomes difficult in official perception. What

is true of laity is also true of the expert. Who then needs these high codes and their authorizations as support to the habitual and the routine. Indeed, their absence is hardly ever noticed except on ceremonial/ritual occasions. .

This rare occurrence makes the codes a subject of limited utility for education and constitution of social beings. The rare use of the above codes, however, has another connotation. After all, knowledge experts as state functionaries periodically renew their lease of life through recreating the foundations that furnish frameworks for decent moral behaviour. And the birth and rebirth of experts also produce an expert-dependent populace that learns to hold its experience as unauthentic, and treat the sensory encounters with suspicion. Our education system has come to such a pass, thanks to the educational policies that always start afresh and display ignorance of both history and society.

With unbounded enthusiasm, policy documents in education usually invoke the spirits of ancestors only for building the foundation for authorization. The Education Commission Report (1964–66) looks for parallels to the experience-based education from the Soviet Union but forgets that an experiment in Basic Education in pre-independence India; the *Nai Taleem* was an innovation of epic proportions in recasting Indian society in the medium of education. The fact that the great experiment produced no ripple effect even in the 1960s speaks sufficiently about the dominant mindset of official theorists and visionaries in education.

The élan vital of most of the succeeding documents in educational policy has usually been a withholding of all references to antecedents (except for purposes of self-occultation)

with a sleight of hand. What is really invoked and dispelled at the same time is the imperfect past, to pave the way for a new enchantment kit. The prophetic Aurobindo of 1910 is drawn upon by the document to extol the first principle in teaching that nothing can be taught, the teacher is not an instructor or taskmaster but a helper and a guide (p. 2).

Another ancestral spirit is Gandhi's *Buniyadi Taleem* as a variant of indigenous response to the colonial system of education. But the document laments that the project failed (the elaborate explanation of failure is quietly presupposed) to emerge as a national alternative to the alien curriculum. The document cites few other policy texts until the national curriculum framework tradition of recent time.

The discussion document builds a perfect internal consistency and arranges every possible concern for a curriculum in a manner that all blanks and criticisms are weeded out of the document. The high and the low, the far and the near, the internal and the external, the personal and the global, each with respect to the learners and their contexts, are woven to form an integral whole ensuring non-falsifiability.

The rainbow terrain of the policy is characterized by a complete disjunction between its colourful face and the sources of its origin. What could be the possible sources? An intemperate Hindutva ideology asserting a certain brand of patriotism? An out of the hat brand new nationalism that prods people to firmly believe in generalized statements against all possible empirical evidence? A mentality that creates imaginary communities as its members, allies and enemies and prefers to conflate mythology and history? The mentality is made up of certain preference for prejudgment over scien-

tific observations, dead over living labour, product over process, textual words over experience.

The discussion document, however, does not convey anything about its precursors and background sources of origin. The document builds up a case for education which makes a cohesive society, where an awareness is created for the inherent equality for all with a view of removing prejudices and complexes transmitted through the social environment and the accident of birth. Thus a curriculum is expected to take conscious note of the special requirements of the disadvantaged section of society. We shall deal with the issue of equality a little later.

The biological and social equality is followed by an ominous equality of members under the umbrella of ideology and culture. This has a reference to the notion of education for national identity, cultural heritage, indigenous knowledge, India's contribution to mankind, value development and emotional literacy. While one does not disagree with the colours in the spectrum, the serious concern relates to the relationship between their origins and destiny. One is aware that Ram and Allah are sublime entities, but as situational logics they may have a potency to endanger life. The long passage between the state and the ordinary life of people, prescriptions and parables in education have the possibility to assume multifarious forms.

The hiatus between the offshoot and the root need not be a necessary feature of all reports on education. One may draw lessons from how the historical Zakir Husain Committee Report (1937) was prepared. All members of the committee were not persons of eminence or high profile state functionaries. The members

were participants in a nationwide movement in education and had the benefit of reporting first-hand from institutions experimenting in alternative primary learning.

Zakir Husain, Aryanayakam, K.T. Shah, Vinoba Bhave, Kaka Kalelkar, Kishorlal Mashruwala, J.C. Kumarappa, S. Jaju and Asha Devi were scientists associated with their respective educational labs for years together before they assembled in 1937 at Wardha to draft an alternative policy document in education. The Zakir Husain Committee Report was a culmination of a long process of ordeals and endeavours before a perspective could be presented. The granite produced a rainbow.

The trouble with national curriculum frameworks (or the statist logic in education) is that they are liable to empower the state apparatuses governing schools and their natural collaborators – the authors, translators, book publishers and related contractors – hurriedly hand-picked to meet impossible deadlines in the execution of programmes and production of material. The intensive intervention of the state forms a major bypass in the actual provisioning of education. The sublime curricular concerns of the policy document remain hopelessly fixed in the rarefied air. Where statist logic predominates, educational endeavour representing the learner gets marginalized.

The extent to which the principle and practice can be disjunctive at the hands of an overly bureaucratized state machinery can be gathered from what happened in a village school in Mewat. A primary education programme (DPEP) found a bizarre concretization in the rural setting. The frequent teachers' absence and apathy in school life was usually rationalized in terms of a child-centred

approach (child-let-loose approach). The programme funded by the World Bank and administered by state officials produced a carnival in education (frequent picnicking of the school teachers in various orientation programmes and the conversion of the school into a playhouse). The most tangible outcome of the programme was a textbook entitled *Hansey Gatey Aisey Bani* (Haryana Prathmik Shiksha Pariyojna Parishad, 1999) that embellishes the state department but adds little meaning to the lives of the learner. Such is the complex passage between the rainbow and the granite.

The high premium put on constitutional duties in the document can be partly corrected by incorporating guidelines to protect constitutional rights of ethnic and minority groups, backward castes and classes, and ensuring that policies that favour sectarian interests are not followed at the expense of the citizens. What also needs to be ensured is that the educational package enables a backward learner to participate in society as a responsible citizen. This would require education to encourage learners on the margins of society to develop autonomously and be able to participate in the exercise and control of power.

There is need for the policy to discuss education as a primary good and its provisioning as a constitutional right. But the constitutional status should also graduate to a democratic right which would require from an educational package a devolution of meaning, allowing local groups and communities to interpret the right to education as well as determine more particular selection of curricular themes within the imperatives and opportunities in their living contexts.

A malaise liable to beset an ameliorative policy is to treat unequals

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as equals. One reason why such an approach perpetuates inequality is because in a stratified society invoking equality with a common wand does not distinguish between equality of opportunity, treatment and outcomes. It is important that curricular concerns are not turned into a fetish. In the act of treating equally it is important to recognize the element of privilege and to discount the same when unequals are accessing equality and social justice.

To illustrate the point let me share an example from the Mandal Commission Report of the Backward Classes Commission, 1980 (1991). This is about two characters, Mohan and Lallu who are socially unequal (p. 28). Mohan comes from a fairly well-off middle class family and both his parents are well educated. He attends one of the better public schools in the city that provides a wide range of extracurricular activities. At home, he has a separate room to himself and is assisted in his studies by both parents. There is a television and a radio set in the house and his father also subscribes to a number of magazines.

In the choice of his studies and, finally, his career, he is continuously guided by his parents and teachers. Most of his friends are of similar background and he is fully aware of the nature of the highly competitive world in which he will have to carve a suitable place for himself. Some of his relations are influential people and he can bank on the right sort of recommendation or push at the right moment.

On the other hand, Lallu is a village boy and his backward class parents occupy a low social position in the village caste hierarchy. His father owns a four-acre plot of agricultural land. Both his parents are illiterate and his family of eight lives huddled in a two-room hut. Whereas a primary school is located in his village, for his high school he had to walk a distance of nearly three kilometres both ways.

Keen on pursuing higher studies, he persuaded his parents to send him to an uncle at the tehsil headquarters. He never received any guidance regarding the course of studies to be followed or the career to be chosen. Most of his friends did not study beyond middle school. He was never exposed to a stimulating cultural environment and he completed his college education without much encouragement from any quarter. Owing to his rural background he has a rustic appearance. Despite his college education, his pronunciation is poor, his manners awkward and he lacks self-confidence.

Assuming that Mohan and Lallu had the same level of intelligence at birth, it is obvious that owing to vast differences in social, cultural and environmental factors, the former would be well above the latter in any competition. Thus, it is important to calibrate native endowments and social and cultural privileges in disbursing social justice and equality.

In order that a policy document does not remain a mere spectacle but graduates from sublime prescriptions to actual provisioning of education, the granite reality of the learner needs to be carefully appropriated in order to bring about a congruence between the rhythms of learning and living. Where living is in crisis, learning becomes inaccessible.

When forests are denuded for timber, the working hours of a girl child are lengthened. It has been reported from a Himalayan village[1] in Chamoli district of Uttar Pardesh.

how ecological degradation led to an increase in the burden of work as well as the total time required for its completion. Activities such as collecting grass and firewood, grazing animals, fetching water and caring for younger children in the family are invariably affected by the crisis in society and ecology. When this happens, the cost is usually paid by the girl child; she drops out of school.

The evidence from the village tell us that in the primary school the number of boys and girls enrolled is equal but beyond the middle school most girls drop out. A policy prescription would not only attend to the attitude towards girls' education but the degrading circumstances that produce a heavy workload for women.

There are other complex situations that could hardly be captured by a pure curricular framework. One may cite the example of Birhors,[2] a nomadic tribe of Chhota Nagpur belt, regarded as a vanishing tribe. Their decimation follows the relentless destruction of the forests on which they depend. A development process in the region takes no notice of their needs or unique character. The Birhors, though mainly hunter-gatherers, engage in rope making and woodwork as well.

When the forest was 'reserved' they could not cut wood or get rope fibres. Their finished goods fetched low prices, not even meeting the cost of production. When deforestation ravaged the few areas they had access to, hunting failed. In times of natural calamity or crisis, they are the worst hit. Not a single child in the Birhor colony goes to school. Female literacy is almost nil. The Birhor, want to send children to school but they cannot

1. Anil Agarwal, et al., *The State of India's Environment*, 5, CSE, Delhi, 1998, Part I, 267-280.

2. P. Sainath, *Everybody Loves a Good Drought. Stories from India's Poorest Districts*, Penguin Books, New Delhi, 1996, pp. 154-157.

afford it. Malnutrition is visible on the faces of the children with high infant mortality rates.

The policy document should not only direct its attention to the backward sections of society but also formulate mechanisms to restrain those who normalize marginality. There is a need to spell out the legal duties of officials in public administration to ensure that a human habitat is protected against depletion of local resources such as water, grasslands and forests.

After all, a curriculum is what counts as valid knowledge in a given society. But such knowledge is not merely limited to course books in the syllabi. Children learn from alternative sites of knowledge as well. These may be constellation of expressions and interactions in and out of the school that produce their own knowledge forms in active competition with what school teaches within a broad curriculum framework. Children not merely listen to teachers talking about equality but they also see them practising inequality. The perpetual dissonance of codes and messages in the official learning sites cannot be glossed over as insignificant. A national curriculum cannot possibly leave the actual principles in the transaction of knowledge, as well as the ethos in the school, under-regulated. Regulation is for creating and maintaining learning sites hitherto abrogated by those who monopolize the definition of a situation.

One may again turn to the history of Nai Taleem to make a distinction between self-regulation and administrative regulation. The latter may be executed without ever entering the portals of a school. But this is not what is being presently emphasized. The illustrations may be drawn from the Basic Education Confer-

ences in 1939 and 1941. At the first conference, Asha Devi (1940)[3] described the Segaon village school as a speck of dust in the midst of an arid environment with lots of inter-caste prejudices. Even the cultural reserves were depleted. How did Nai Taleem intervene in the setting? The child was chosen as a starting point by focusing on her specific physical and social needs. During school hours, two essential needs were recognized, viz. the free supply of clean water and at least one wholesome meal. But the supply of food, in order to be self-supporting, was linked to work in agriculture and gardening. And to avoid monotony and fatigue taking over work, it was followed by play. Thus, the curriculum was designed around water, food, work and play. The four classrooms were the well, the kitchen, the workshop and the field.

At the second conference, Shiv Dayal Singh (1942)[4] described a basic school in Champaran, Bihar. The school had the problem of irregular attendance that was largely due to the poverty of the parents. Children had to take out the cattle for grazing, collect fuel, look after younger siblings and take their fathers' midday meals to the fields. The school tackled the problem by holding classes early in the morning, leaving the children free during the evenings for duties at home. The children who took cattle to graze were permitted to attend school along with their cattle. One or two boys looked after the cattle by turns, while others attended classes. Similar arrangements were made for children

3. Hindustani Talimi Sangh (1940), *One Step Forward: The Report of the First Conference on Basic National Education*, Poona, October 1939, Sevagram, pp. 179-186.

4. Hindustani Talimi Sangh (1942), *Two Years of Work: Report of the Second Basic Education Conference*, Jamia Nagar, New Delhi, 1941, Sevagram, pp. 131-134.

who had to look after their younger siblings at home.

Most modern educational institutions would write off such communities or settings as 'ineducable' or 'unteachable' and turn to channels of distance and non-formal education to deal with them. These are instances of how a broad framework enframes a local provisioning of education through creating alternative sites of learning and of readily recognizing one for purposes of a creative link between living and learning.

A policy document in education should be directed not only towards the dissemination of knowledge and producing learners. This would be too limiting. A true blending of the rainbow and the granite would be possible if educational policies and practices produce learners and political subjects[5] at the same time. The creation of political subjects is not understood in terms of a textualized theme meant to be acquired as pure knowledge. Rather, it is a process that involves the creation of avenues and possibilities for participation within the life at school to experience and to learn how to be political in a context.

Without empowering learners and their village level organizations as constant watch-guards of educational dispensing, the rainbow and the granite will remain disjuncted. The policy frameworks should formulate mechanisms that help schools to play a more vital role in the creation of a public sphere of citizens who are able to exercise power over their own lives and specially over the conditions of the production and appropriation of relevant knowledge.

5 Patricia White, *Beyond Domination: An Essay in the Political Philosophy of Education*, Routledge and Kegan Paul, London, 1983, pp. 81-117.

Looking at literacy

SADHNA SAXENA

A curriculum is at best a statement of intent, which not only reflects the philosophy of its framers but their conception of society as well. In a way it conceptualizes their understanding of the present based on which a plan for the future is formulated. All of this may not be articulated in the curriculum though. Therefore, the renewed thrust in the last two decades on adult and elementary education, to be precise on developing literacy and numeracy skills, needs to be located in the context of socio-political and economic changes.

Unless the debate on curriculum is informed by the educational prerequisites of these wider changes it is not possible to discern the compulsions for framing curricula the way it is. It is also true that the analyst's own philosophy and conception of an alternative, which may not be particularly concretely formulated or articulated, would influence any such analysis.

In the last two decades there has been a shift in government policies on education for the deprived, be it women's development or literacy programmes. The stated focus has been on mobilization, empowerment and awareness building to enable people to organize and fight for their own

rights. Post the sixties, this shift in emphasis from functionality to state sponsored struggle has created confusion and crisis in the language of debate. For some, this is an indication of the withdrawal of the state from the social sectors.

This is because first, instead of ensuring the basic human rights of the people through assertive actions, by punishing the oppressors and exploiters and redistributing resources, the government through such programmes is asking people to organize and fight themselves. Second, such statements often put the onus of deprivation on the people themselves. Had this not been the intent, why would policy-makers and implementers be asking people, through state sponsored programmes, to organize and fight for their rights? Is this not tantamount to inciting people against the state? Or has the state been so weakened that it cannot implement its own policies? Hence, in exasperation or for legitimacy, it is urging the masses to organize themselves against the state.

For example, isn't it worth asking why the state cannot ensure the implementation of its own pro-poor policies such as minimum wages and

land reforms? Or is the present thrust on mass education, literacy and universalization of elementary education only a manifestation of the demand for a 'cheap' workforce with basic skills, with the state playing into the hands of such forces?

Perhaps there are neither clear answers nor sufficient evidence to establish one or the other conclusively. Nevertheless, some of the underlying dominant trends articulated in the literacy curriculum need to be analysed. A quote from Saheli's newsletter about women's development programmes seems appropriate in the context of literacy as well. 'In contrast to development plans for other sections of the population, government's emphasis with respect to women is not on policy measures, resource allocation or redefining development, but on awareness building and mobilization or, in other words struggle as opposed to development. With such a definition of development, a bizarre situation has been created where the fight is no longer against the establishment, but is a state-sponsored struggle' (Saheli, 1995: 3).

Unlike the school curriculum, the adult education curriculum is neither publicly visible nor does it attract the attention of educationists and social scientists. Whatever is done in the area of adult education is considered good and noble, beyond controversy, not requiring any debate or scrutiny. Some people think of adult education as a kind of charity for the upliftment of the ignorant masses, patronage offered by a benevolent state. In such a construct, education of the masses does not fall in the realm of basic human rights.

In the past, viz. during the social education programme in the '50s, functional literacy programme in the '60s and even during the National

Adult Education Programme in the '70s, perhaps there were no neatly chalked out and separately published guidelines on material development. But an unwritten curriculum there was. There was a noticeable shift in objectives – from purely functional objectives of skill development in the '50s and '60s, to functionality and conscientization in the '70s, to functionality, awareness building and empowerment in the '90s. Another important change in the '90s was that for the first time curricula was formulated and published in the form of guidelines for material production, clearly reflecting the shift in emphasis from conscientization to functionality and awareness building.

Though not widely known, a literacy curriculum does exist and is strictly adhered to. In the name of maintaining uniform standards it actually serves as an instrument of control and centralization. The reasons for such a disguised, low-profile presence could be many. One, it could be that curriculum sounds serious and a formal policy matter and immediately attracts the attention of critics. It is perhaps safer to use pragmatic terminology such as guidelines for material production and let underlying principles remain disguised.

Other differences between school and adult education curricula are related to the social hierarchy of education. Mass education is considered a matter of lower priority, not only in social and economic terms but also in terms of a sustained effort. It is relevant to underscore that the cost per learner is a matter of utmost importance and cost reductions invite appreciation and recognition. Historically, adult education concerns have been dictated by the international agenda, viz. farmers' literacy programme during the spread of the Green Revolution

or skill development for economic liberalization during the Total Literacy Campaign days, promises of conscientization, awareness building and empowerment notwithstanding.

The strategies and 'target population', like the unstated and undefined curriculum, change with every new dispensation. For example, farmers' literacy had nothing to do with landless people. In essence the focus kept reverting to income generation and thus functionality. Little wonder that this vast curriculum encompasses anything and everything from beauty parlours to vocational education.

Unlike school education, adult education is not dependent on age-wise cognitive abilities. Its focus is, according to government policies and plans, on the 15-35 age group, i.e., workers age group, though the upper limit is extendable. Since it primarily addresses the poor of this age group, it is assumed that any age-wise gradation is not required. The following are some other crucial assumptions and differences.
* That people from only a particular class need to be addressed through adult education.
* That the attention span and time availability of such people is short, as is their motivation.
* That these deprived people do not value education, that they alone are responsible for their plight is another assumption, though unstated.
* That such illiterate people can be made functionally literate and possibly empowered in 200 hours.

Although, like universalization of primary education, adult education and literacy is an important objectives of the state, most valuable contributions have been made by small autonomous groups and political formations, i.e., trade unions, labour organizations and political parties who have a phi-

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losophy and perspective on adult education. Workers organisations in particular have always woven adult education programmes into their larger struggles for equity, equality and justice. However, most such groups do not prepare a blueprint of any curriculum.

Autonomous groups which focus on adult education, experiment with various innovative methodologies and materials, often linking their efforts with the basic demands of the people. Government programmes on the other hand not only ignore such efforts, but function within the framework defined by dominant national and international forces.

Because of a nonformal setup with seemingly flexible structures in terms of timing and place, it is assumed that the scope for innovation is far greater in adult education than within formal systems. However, in practice, tight time schedules and centralised curricula negate all such illusions and hopes. The innovations by small groups are rarely taken cognisance of or woven into mainstream practice, thereby either remaining islands or fading into oblivion. Consequently, instead of flexibility and innovation in government programmes, what we witness is a focus on publicity and working towards quantitative targets as a measure of success.

Against this backdrop, I would like to draw attention to two books: 'New Guidebook For the Development and Production of Literacy Materials', a publication of Asian Culture Centre for UNESCO (ACCU) and 'Handbook for Developing IPCL Materials', a publication of the Directorate of Adult Education. IPCL stands for improved pace and content learning which, according to this publication is a new pedagogical concept, an outcome of decade-long

thinking and experience in the field of adult education in India' (DAE: 1993). Further, 'IPCL is a result of long and serious thinking. It is a pedagogical concept which attempts to provide an answer to the problems of slow and poor learning' (2: 1993).

The ACCU publication (1992) lucidly spells out the functional objectives of literacy for increasing production. 'Literacy is recognized as a basic human right and an essential condition for human development. An analysis from a sample survey of developing countries indicates that increase in literacy contributes to increase in investment and output per worker' (ACCU: 2, 1992).

Further, the section on Curriculum and Learning Materials, under the subsection 'Objectives', states that, 'The functional literacy programme needs to be specified in terms of the developmental programmes; for example, the objective to eradicate illiteracy is to enable learners to participate actively in an appropriate technical and vocational skills programme to improve their quality of life' (ACCU: 4, 1992).

A brief review of the content of the IPCL handbook will not be out of place as it established guidelines for all the district and state level primers published during the Total Literacy Campaign phase of the programme. For the first time IPCL guidelines, including the literacy curriculum, were formalized and published in 1993. It was the first consolidated effort in formulating a centralized curriculum dealing with all the three crucial aspects – approach, content and pedagogy.

This formulation helps exercise control on the content and overall structure of the primers. Further, approval of a national committee called IPCL Committee was made

mandatory before publishing primers. Only a few districts were able to add creative dimensions, raise locally relevant issues in the primers and thereby escape control. The primers by and large followed the government framework to the last details. Most were actually produced at the state level by the state resource centres and merely reprinted at the district level without major changes.

The outreach of a primer and the messages it carries cannot be ignored or undermined. More so as they cater to a particular class of people with little access to any other printed materials. Moulding their opinions and worldview is of crucial importance to any government and, given their outreach, the primers can play a crucial role since unlike other publicity materials, they are part of a package backed by volunteers taking the messages right into the literacy classes.

The Handbook for Developing IPCL Materials appears radical in comparison to the ACCU Handbook since, alongside functionality, it mentions awareness building as one of the key objectives. A careful reading, however, brings out the contradictions and that the emphasis is not really on awareness building but on functionality alone. A look at the section entitled IPCL Curriculum brings this and other internal contradictions out clearly and uncovers the conformist goals couched in the progressive language and phrases.

The chapter states that, 'The IPCL curriculum is based on the programme goals set by the NLM. It has two types of contents, viz., core content and locally relevant content' (Handbook: 4, 1993). The core content is comprised of non-negotiable national values (NV), such as national integration, women's equality, population education, conservation of

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environment and development of scientific temper.

According to this handbook, under subsection 'Programme Goal', 'Curriculum objectives and content should be in tune with the goal of the programme of adult education which, as determined by the National Literacy Mission, is to impart functional literacy to illiterate persons in the 15-35 years age group' (Handbook: 4, 1993). Functional literacy is defined as:
* achieving self-reliance in literacy and numeracy;
* being aware of the causes of deprivation and moving towards amelioration of oppressive conditions through organization and participation in the process of development;
* acquisition of skills to improve economic status and general wellbeing;
* imbibing the values of national integration, conservation of environment, women's equality, and observing small family norm.

In short, functionality is redefined to include some sort of awareness, though the underlying implication is that the onus of non-participation in development programmes is on the illiterate people. Understanding the role of the oppressors and the creators of oppressive conditions is nowhere mentioned as central to the definition of functionality. This despite the fact that the definition of awareness specifically reinforces this responsibility: 'Awareness would mean critical understanding of social conditions, in which the learners live and work. This would involve understanding the factors contributing to their existing predicament and problems and finding ways to solve them for betterment of life' (1993: 5).

For facilitating the development of such an understanding, including establishing the identity of the perpe-trators of such predicament, it is necessary that literacy programmes provide space and opportunity to understand the local situation and that local issues are given due importance in the formal curriculum. Equally, that approaches to understand the 'factors contributing to their existing predicament,' whether time consuming or not, are adopted. Nothing in the ICPL handbook, however, helps sustain such hopes.

The chapter, 'IPCL Concept', declares that, 'Key aspects of the approach to development of IPCL material are ...inclusion of core contents which are sacrosanct, indispensable and irreducible...' (2: 1993). However, the section, 'Locally Relevant Content (LRC)', stresses that this aspect is not important at all. 'A large part of material is covered by the core content leaving little room for dealing with LRC. In view of this the TLC districts are advised to adopt the SRC materials with generalized contents or any of the approved primers of other districts by substituting a couple of lessons with locally relevant content' (5).

There is little room for time consuming problem survey in IPCL. Also, 'there is a precedence of national values (NV) over LRC' (5). In effect what is being said is that identification of local issues and local problems is a time-consuming activity; that within the IPCL approach there is no scope for this as, 'there is urgency to exploit initial motivation (of the people) for developing literacy skills' (5).

Almost as an afterthought, the final para of the subsection 'LRC' states, 'Notwithstanding the above policy, in cases where the lifestyle of learners is far removed from the general pattern, or where the language of the learners is distinctly different from the district's language, or where there is overriding necessity, there is a justification for going in for a quick survey and including more locally relevant content' (5).

This is probably a 'gentle' way of laying down the boundary conditions. Most primers which were subsequently prepared adhered to these conditions, not that there was much scope for deviating from the guidelines, as all the drafts had to be approved by the IPCL committee. People who attempted an innovative approach, even while adhering to the guidelines and the curriculum, found the process frustrating and debilitating. Except for a few primers prepared by BGVS and other activist groups, most did not even follow the above guidelines.

Consequently, a majority of primers presented the issues in a stereotypical and prescriptive manner, reflecting a patriarchal and majoritarian bias. The excessive or sole emphasis depicting linear causal relationship linking all the problems – from gender discrimination, poverty, unemployment, underdevelopment and environmental degradation to population – reveals the mindset of the IPCL committee.

The issue of centralized control and planning is of utmost importance as, in the name of uniformity, it not only undermines and suppresses diversity and creativity in society but, more importantly, imposes a specific worldview and understanding. Since literacy is considered beyond controversy, these centralised processes escape public scrutiny and attention. The effectivity and power of this vehicle for spreading a mainstream worldview can be gauged by the sheer number of primers published per district, invariably a few lakh.

The experience of some TLC districts such as Pudukkottai, Nellore,

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Ernakulam and so on are well documented, chronologically as well as from different perspectives. Little, however, is known about the fate of smaller innovative of adult education projects which either preceded these campaigns or ran concurrently until they were shut down by government order. For example, Rupantar, an NGO based in Raipur (M.P.) ran 100 innovative adult education centres before the launch of total literacy campaign. This innovative project too was funded by NLM.

In 1993, it was decided to initiate district level programmes in Raipur and Rupantar was asked to shut down its project to avoid duplication. When the organisation pleaded that it could not stop a project midstream and insisted on continuing with the centres, it was asked to recast its adult education materials as per IPCL norms, failing which its next instalment of funds would not be released.

Their adult education primer, Nava Anjor, primarily focused on locally relevant issues. There was certainly less focus on national values as the primers were prepared with the active involvement of local teachers. This was seen as unacceptable and funding stopped. It is a different matter that Rupantar continued its work by raising funds from other sources. The extent of control and centralization can only be gauged by such undiscussed ground realities and experiences, not by what is stated in national seminars and written in policy documents.

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The 'community gap' in primary education

A R   V A S A V I

JUST before schools reopened for the year, the department of education in Karnataka announced new timings for schools in the state. Irrespective of place and region, all schools were to function from 9 am to 4 pm. The decision met with protests, including a major public demonstration and road-block in one of the districts. Several deputations of teachers and their associations met the minister and sought to have the old timings re-established. As many noted, the new timing was primarily designed to help decongest Bangalore's traffic at peak hours and was not in the interest of either the children or the schools.

While the decision to impose the new timing flew in the face of any understanding of the structure and functioning of schools, especially government and rural schools, it came at a time when the department of education had called for public discussion and contribution towards developing policies and programmes for primary education. The new orientation was supposedly to evolve a community-centred approach, buttressed by decentralised administration for schools. Yet, as the decision on the school timings indicated, the interests of the communities were more violated than considered.

The decision led not only to chaos but to the withdrawal of many girl children from schools, in the process threatening the functioning of

many schools. As many parents and teachers observed, the new timings did not take into consideration the fact that most teachers travelled considerable distances by erratic public transport to reach schools or that many children performed domestic and other chores before attending school.

The contradiction evident in this episode clearly indicates that though there is a recent thrust by policy makers to make primary education 'community-based', there is little or no understanding of what is entailed in such an approach. And few orientations and approaches have received such diametrically opposite reception as that of the 'community' in the policies to address issues of primary education.

The government and international bodies such as the World Bank and Unesco, present it as the panacea for solving all problems related to universal primary education. But critics have been dismissive of the orientation and tend to see it as a conspiracy by the state and international financial bodies to off-load the burden of primary education on to the people. Both camps – one that holds 'community' as the central variable in the formula for inducing mass primary education and the other that simplistically rejects community-linked primary education – need to comprehend what is entailed by a community orientation to primary education. Both need to assess the potential and problems that this approach holds for the promotion of universal primary education.

The government of India's approach to integrating communities in primary education has primarily been one of seeking the communities' contribution towards the administration and management of primary education. While the government's CABE report formulated the guidelines for the establishment of Village Education Committees with a focus on linking decentralised administration institutions to that of managing primary education, the World Bank's District Primary Education Programme (DPEP) has emphasised community level mobilisation, establishment of community organisations such as VECs, and strategies to assess and address community-level problems related to universalising primary education. As a result several states have been witness to the establishment of these community level organisations with a view to enhancing educational opportunity.

At one level, the very idea of incorporating members of communities and seeking their contributions to schools may be the first step in overturning the now entrenched bureaucratisation of the nation's education system. As many teachers have indicated, and as visible in the functioning of schools, teachers' accountability to parents, to local panchayat members or to the VEC members has helped decrease teacher absenteeism. Encouraging community contribution has meant that in many villages and settlements parents have come forward to contribute in kind and money to schools, thereby helping build infrastructure and donating other facilities such as water taps, toilets, teaching-learning aids, and even instituting scholarships for poor students.

Yet, significant as such policies have been in creating what is called a 'sense of ownership' among members of communities for their schools, the fact that several communities have not been able to revitalise their schools calls for closer attention to the policy of placing the onus of financial support and management of schools on communities. As others have cautioned, communities cannot, in this period of the withdrawal of the state from the social sectors, be the platform on which the responsibility and the burden of providing education for its young can be placed. Perhaps the biggest oversight of the emphasis on developing community-based administration and management of schools is linked to the conception of communities as monolithic entities that have universal or pan-Indian characteristics and capabilities.

That a more contextualised understanding of community in terms of regional, cultural, economic and political variation is required can be gauged from the uneven levels of success in the World Bank's DPEP programme. Though based on its identification of three 'gaps' – caste, class and gender – as reasons for low enrolment and attendance at schools, the community dimension of these gaps themselves have not been specified. As a result, DPEP remains a largely decontextualised approach to resolving the range of caste and gender based exclusions in educational opportunities.

Communities vary widely in terms of economic, educational, political capabilities; equally their capability of organising for such administration is diverse and not all are conducive to performing as expected. While those higher up on the social and economic scale and with less internal social and political differences may be able to organise and manage primary educational institutions, the same may not hold for those lower down the economic and social scale. While resource poor communities will not be able to generate either the funds to contribute to the infrastructure of schools, those with less social and cultural capital may not be able to wield the clout required to have teachers made accountable to them or to

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supervise the functioning of schools. Caste tensions, varied educational levels of its key members, different conditions and contexts of livelihoods, and varied political factors combine to impact on the feasibility of local, community-based management of schools.

Excluding the marginal members of communities from the organisations such as the VEC is not unknown. Not all teachers or heads of schools charged with the responsibility of forming VECs are open to having the active inputs of members of low-ranked castes or that of women. While members may be selected to meet the needs of the formal structure of the VEC which stipulates the membership of women and SC and ST members, the presence and contribution and requirements of these members may be overlooked. In addition, initiatives such as the DPEP's microplanning exercises, conducted at the level of the village and linked to identifying community-based problems, are not inclusive of all members of the community. In addition, in many cases, the real problems of the members of the labouring poor and the low-ranked castes are not taken into consideration.

While conceptions of communities and their associated capabilities may be one of the key problems in developing a community-based approach to primary education, the problem of developing stronger community-sensitive or oriented programmes which the education bureaucracy can implement is also significant. Despite the emphasis on developing community-based support organisations such as the VEC, the orientation of education administrators and teachers to understanding and addressing problems within the community remains limited

Teachers exhibit a dual and contradictory orientation in addressing community-based problems of primary education. There is a tendency for them to simply accept poverty as the reason for the absence of many children and to see poverty as an unavoidable and inevitable factor that leads to high absenteeism and dropout rates. Linked to this, teachers see conditions such as that of bonded child labour, migration of children during school, the retention of children for domestic chores and so on as unavoidable family circumstances of children that cannot be addressed by any policy or programme. Similarly, many teachers accept practices such as child marriage, withdrawal of girls at menstruation and untouchability in school, as cultural practices of communities to which they must be sensitive.

While teachers and many education administrators see such community related practices as inevitable and given and which they cannot challenge, they are not as sensitive or understanding of parents and their role in matters pertaining to their children's education. Many teachers consider the inability of parents to regulate the attendance of their children, supervise their homework and attend parent-teacher meetings as indicators of the indifference and apathy of parents towards education. How education administrators and teachers can address the collective cultural drawbacks of communities and their cultural practices and yet be sensitive to social handicaps are issues that remain largely unapprised.

That the official invoking of community is largely restricted to emphasising its role, contributions and responsibilities in relation to managing primary education is evident in the extent to which several key issues are continuously ignored. Two imme-

diate and practical issues relate to the failure to permit local flexibility in school schedule and develop locally relevant curriculum. While many have noted the problem of a lack of synchronisation between local agro-climates and the urban-oriented school schedules, there has been little attempt to encourage or provide for localised school calendars and schedules compatible with the climatic and economic patterns of different communities.

In much the same way, there has been little attempt to provide for the inclusion of local, non-official languages as a medium of study or to integrate local knowledge and know-how into the curriculum. That suggestions to go beyond the established curriculum and include a range of knowledge forms into the syllabi are themselves based on a superficial knowledge of what is meant by local or community knowledge is evident in the NCERT's National Curriculum Framework for School Education.[1]

The report makes no mention of local knowledge and instead notes the importance of including 'indigenous knowledge' which it equates with knowledge of India's classical contributions to sciences, Ayurvedic and Unani forms of medicine and yoga and yogic practices (p 10). The report goes on to assume the practice of indigenous knowledge to be 'especially so among the environmentally concerned' (p. 10). If this is a covert reference to Adivasi or tribal groups and their knowledge forms, then the inclusion of knowledge that will contribute to the interests of the community is reduced to encouraging 'work education' which will result in 'either

1. National Council of Educational Research and Training, National Curriculum Framework for School Education. (A Discussion Document) New Delhi, 1999

goods or services useful to the community' (p. 57). While what can be useful to the community is itself a simplistic conception of linking knowledge to community requirements, there is little attempt to address the oversight of the multiple and localised knowledge forms among different communities in all parts of India.

Far from conceptualising the importance of a community orientation to education, official discourse conceptualises communities as organizations that can either solve the problems that have been initiated by a bureaucratised education system or as a source of funds that will compensate for the supposed economic disability of the state. The failure to initiate and establish schools as key institutions in society that can draw on community strengths and address community-based drawbacks has led to a piquant situation. Indifference to the needs of the most marginalised communities and the nonregulation of the schools of the rich has meant that there is now a proliferation of different types of schools catering not only to different classes but also to different sectarian, linguistic and religious orientations. And ironically, as the problem of accessibility to education is sought to be addressed, the new problem of differential schooling and a differentiated citizenry arises.

Perhaps what is more disturbing is the extent to which discussions and programmes that invoke a community-based approach are silent on the more integral implications of what a community-based and oriented school can achieve. The larger and possible goal of defining a community based education in which both the Gandhian ideal of developing and retaining local knowledge and the Deweyan ideal of schools as preparing students to improve the collective

social existence is missing in the discourse on education policies.[2] Despite the fact that the nation has a diversity of educational systems, each catering to different clientele, the fact that the government schooling system is the predominant one should be the basis for working out a more effective and genuinely community-oriented primary education system.

The problem of establishing schools that will cater to and be based on community requirements and yet be the bases for equally endowing all students may be difficult. This is particularly so in the context of an increasingly 'marketised civil society' where education is increasingly seen as a private good and not a collective, common good.[3] But the need to persist with the potential that community schools can hold should draw on the larger agenda of what community-oriented schooling should entail. As Dewey himself noted, schools can be developed to be 'miniature communities' emphasising strong relations between teachers and students and among the students, and playing 'a pivotal role in the revitalization and transformation of community life'.[4]

This may be pertinent in our context, where schools continue to be embedded within the hierarchical structures and orientations of the immediate communities and the larger society and which continue to reproduce all the forms of exclusion and depriva-

2 Mary Raywid, 'Community and Schools·A Prolegomenon', *Teachers College Record* 90(2), 1988.

3 Geoff Whitty, 'Citizens and Consumers· Continuity and Change in Contemporary Education Policy', in D Carlson and M Apple (eds), *Critical Educational Theory in Unsettling Times*, Westview Press, Colorado, 1998.

4 Daniel Perlstein, 'Community and Democracy in American Schools Arthursdale and the Fate of Progressive Education', *Teachers College Record* 97(4), 1996

tion. Going beyond attempts to draw on communities as only sources of administration and finance, there is a need to focus on methods and processes by which schools can be established to generate a sense of community that will engender both civic and citizenship capabilities and challenge the range of inequities.

'Communities', 'child-centred education', 'new teaching-learning methods' and so on, are some new words and concepts that have been bandied about in the recent rush to undo and address the long years of neglecting mass primary education. But if the state is committed to de-bureaucratising primary education, and to building a closer relationship between communities and schools, it must allow for both – a genuine decentralisation and a more critical approach to addressing the limitations of communities.

Focusing on communities should enable policy-makers and education practitioners to provide more effective schooling opportunities that are based on closer attention to challenging community-based handicaps, building on community-school interlinks, including community knowledge forms and an orientation to address the problems of the immediate community and the larger society.

Avoiding the two extremes (of either upholding community administration as the sole panacea for mass primary education or of simplistically rejecting it), it may be important to note that in the context of schools, 'community marks borders of exclusion as well as inclusion. It is always, therefore, ambiguous, with the potential to foster citizen involvement – to facilitate demands for justice or to mask social inequality.'[5]

5 Ibid., p. 646.

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Acquiring literacy in schools

SHOBHA SINHA

WIDESPREAD literacy has been a desirable goal in India since pre Independence days. However, there is a wide gap between goals and reality. Even though the percentage in terms of literacy has increased, the absolute number of illiterates in the population has not decreased. In fact, it is larger than ever. Most people who are considered literate (due to the liberal census criteria) are incapable of comprehending what they read. Studies dealing with this situation usually highlight home-based factors, but equally we need to focus on school factors for a better understanding of the dismal performance in literacy learning (Kumar, 1992).

In our country, the primary responsibility of facilitating literacy acquisition falls on schools, the only learning site for most children. However, even while discussing language education little attention is paid to literacy learning. *The National Curriculum for Elementary and Secondary Education: A Framework* (NCERT, 1988), a precursor to the currently in news, *The National Curriculum Framework for School Education* (NCERT, 2000), has devoted little space to literacy learning. It merely states, 'In the first two years of primary stage... the child should be helped to acquire the basic skills in reading and writing in his/her mother tongue/regional language' (p. 22). It refers only briefly to comprehension along with pronunciation, voice modulation, good handwriting, and spelling. Literacy learning should not be treated in such a casual manner because failure to acquire literacy will affect learning across the educational spectrum.

It is important to look at the quality of materials and literacy instruction in Indian primary schools. Textbooks form the core of teaching in schools. Consequently, an examination of textbooks will reveal the type of literacy instruction that children receive in the school context. This paper focuses on the textbooks used in the early grades, that is, Hindi primers.

Primers, specifically prepared for the purpose of teaching reading in early grades, are used to impart literacy in most Indian classrooms. They play an important role in teaching reading in the absence of other types of reading material, such as children's literature. They form the basis of literacy curriculum and dictate how it

should be taught. Thus, children from non-literate backgrounds are likely to be exposed only to these type of texts and form conclusions about literacy and acquire literacy skills from them. In a country with a high dropout rate in early years of schooling.and low literacy rates, the role of these texts becomes even more important. Therefore, they need to be assessed with care. In this paper I analyze current Hindi primers, assess the quality of reading they offer, and discuss if indeed they support literacy acquisition in young children.

Traditionally, reading was narrowly conceptualized as a decoding process, that is, finding oral equivalents of written language. In terms of literacy acquisition the dominant perspective (reading readiness) considered learning to read as learning to decode. Clearly, then, the instructional implication was to master decoding. This was accomplished by mastery of subskills in a sequence. Additionally, there was a tendency to focus on formal and not functional aspects of language while learning to read (Teale and Sulzby, 1986).

In terms of material, it meant that the texts were structured around letter-sounds and children were expected to master the letter-sound correspondence and learn about blending to decode words. The assumption behind constructing materials was a 'bottom-up' approach to reading, where the whole consisted of parts and by learning parts one could learn the whole.

⟨ This view of reading has been challenged in recent years. An alternative perspective, emergent literacy, based on a different and broader conceptualization of reading and development has gained prominence. Literacy is not viewed merely as decoding but rather the whole act of

reading, including comprehension (Mason and Sinha, 1993). Emergent literacy perspective advocates literacy learning by interacting with meaningful texts for genuine purposes including enjoyment. This perspective focuses on all aspects of language (semantic, syntactic, and graphophonic), and not merely on phonics.

The instructional implications are that children are not to engage in sequential mastery of phonics as in the earlier perspective but are to engage in literacy in a meaningful manner. Authentic tasks are recommended to promote literacy acquisition. According to Hiebert (1994), authentic tasks 'involve children in immediate use of literacy for enjoyment and communication. They are not the tasks that have typified school literacy instruction, in which pieces of literacy... have been practised for some undefined future use' (p. 391). Additionally, literacy learning is considered easier if it is sensible, interesting, and relevant (Goodman, 1986). In terms of texts the recommendation is to use predictable but interesting texts with natural language patterns, not the earlier artificial language patterns.

Ten current publications of Hindi primers were analyzed from an emergent literacy perspective. The first level of analysis identifies text structures and the underlying assumptions about literacy acquisition. The second level of analysis assesses the quality of content, style, and interest level of these texts.

Structure of the texts: The analysis of the structure reveals an overreliance on a traditional phonics approach. In all the primers chapters are constructed around specific letters (specifically on vowels). Generally, they follow the order of Hindi alphabets. Only rarely do they change the order.

The chapters in all primers begin with a list of words (sometimes with illustrations). The words are selected on the basis of similarity of sounds and are in no way connected to each other thematically. For example: (a) car, bhat, sagar, sarcar, dama, sham, talwar, sal, and kala (car, rice, sea, government, asthma, evening, sword, year, black) are listed in the same lesson because they have common 'a' (rhyming with car) sound (Shiksha Bharati, p. 12).
(b) mithas, sitar, barish, palish, takia, bilav, dahina, lifafa, khatia, tikia, nariyal, shanivar, ravivar, cycle (sweetness, sitar, rain, polish, pillow, cat, right, envelope, bed, tablet, coconut, Saturday, Sunday, cycle) are used in a lesson based on 'i' (vowel in hit) (Gyan Ganga Praveshika, p. 37).

Children are supposed to practice reading (sounding out) these words and then given some sentences to read. The list is generally quite lengthy (as many as 84 in one primer). The words are selected on the logic of sound, not meaning. The words have no thematic unity and are disconnected to each other in terms of meaning. Therefore, the only purpose of reading is to practice the sounds mechanically. If one tried reading those words, very tedious reading will result.

The chapters have some sentences following the list of words. The sentences are constructed using the letters and vowel sounds learnt to that point. An effort is made to use almost all or maximum amount of words with that particular sound. For example:
Sarla idhar aa. Bazaar ja kar gazar ka halwa la. Mata ka kahna maan. Namak mat kha. Rama apna samay kharab mat kar. Bazaar ja kar badam la (Shiksha Bharati Praveshika, p. 13).
(Sarla come here. Go to the market and get some carrot halwa. Obey your mother. Don't eat salt. Rama don't

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waste your time. Go to the market and get some almond.)

These sentences have at least one word with vowel sound 'a' (rhyming with car). The other words are learnt in the previous chapters. Vowel sounds such as 'i' or 'o' are not utilized because they appear later. Again the primary consideration is to practice the sounds and learn to decode. What the text means is not a major concern. Most often the sentences are not connected (the details will be discussed later). Theme is considered along with letter-sound in few texts, e.g., Bal Bharti series.

Since language production is not dictated by specific sounds, the resulting texts are highly unsatisfactory. On analysis of content, style, and interest, there are three major problems with these type of texts: meaninglessness, unnatural language, and uninteresting/irrelevant content.

Content – meaningless texts: Due to the compulsion of using specific sounds, the overall meaning of texts is ignored, leading frequently to absurd texts. The sentences given in each chapter are also constructed on the same logic. The list of words and sometimes sentences have no thematic unity. The only logic of their selection is that of sounds, not meaning. The text structure shows blatant disregard of meaning. As long as the sentences fit into the scheme of correct sound there is no concern whether they make sense or not.

Absurd sentences: There are several examples of absurd sentences in the primers. Due to the restriction of sounds and total disregard for meaning, bizarre sentences are constructed. For example:
(a) The primers begin with lesson based on 'a' (vowel in *but*). They are referred to as words without vowels (matra) and include vowel sounds if

they are not blended with consonant sounds.
Kah. Ish kah. Ose kah (Bal Manjri, p. 13). (Say. Say God. Say dew.)
aam par chadh. (Deepu Hindi Reader, p.17). (Climb on a mango.)
ek aurat aai. woh chhat par gayi. khatmal pakad kar utar ayee (Bhasha Sagar Praveshika, p. 20). (A woman came. She went to the roof. She caught a bug and came down.)
(b) Lesson based on 'i' (vowel in *hit*):
Gilas sir par mat rakh (Indradhanush Swar Mala, p. 19). (Don't keep the glass on your head.)
(c) Lesson based on 'o' (as in *coat*):
Mote ghore se daro. Chhote ghore se darna uchit nahin (Bhasha Bodh, p. 38). (Be afraid of fat horse. It is not proper to be afraid of a small horse.)
(d) Lesson based on 'r' (as in *harp*):
Sarp mat ban (Bhasha Sagar Praveshika, p. 14). (Don't become a snake.)

Disconnected texts: Texts without any thematic unity also contribute to meaninglessness. Again the logic of construction is sound, not meaning. Since the sentences are totally independent of each other, the reader doesn't get any help from the context in reading. However, even if the reader can read the sentence the texts hardly encourage meaning construction, as is clear from the examples listed:
(a) lesson based on 'a' (vowel in *but*):
Ose par chal. Path par mat thak.
Jal thal nabh par mat thak. Ab chal yagya kar (Saras Shabda Bodh, p. 8). (Walk on dew. Don't be tired in the road. Don't be tired at water, land, sky. Now perform yagya (a religious ceremony).
(b) lesson based on 'i' (vowel in *feet*):
Vir ban. Tir chala. Geet ga.
Larki nadi gayi. Woh machhli layegi. Jalpari ki kahani kah. Larai mat kar. Bakri bhagi. Hathi aya. Larki giri. Chil udi. Nani ki chari nikal pari (Hindi Reader, p.13). (Be brave. Sing

a song. The girl went to the river. She will bring fish. Tell a story about mermaid. Don't fight. The goat ran. Elephant came. The girl fell. Grandma's stick came out.)

The texts usually have more disconnected sentences in the early chapters because of the restrictions in terms of the vowel sounds.

Incomplete stories: Sometimes a few sentences are connected but the authors do not feel compelled to maintain the link or build the story. For example:
Lesson on 'u' (vowel in *put*):
Ek kachhua tha. woh yamuna nadi par gaya. kachhua pul par chadh gaya. woh bahut dheemee chal chala. Bulbul aa. phur phur karti udti ja (Shiksha Bharati, p.19). (There was a tortoise. He went to the river Yamuna. He climbed on the bridge. He moved very slowly. Nightingale come. Fly away.)

In this passage the story is abandoned halfway. The last two sentences have nothing to do with the preceding text. Unfortunately, these types of text are not rare. The disregard for meaning displayed by these texts is a matter of serious concern. These texts can only misteach what reading is all about. They are bound to be difficult to read because reading is a sense-making activity and these texts do not permit one to make sense.

Style – unnatural language:
(a) The sole consideration of phonics results in a highly unnatural language pattern. The sentences are often choppy and lack flow. This happens more so in the beginning lessons as the constraints (in terms of letters) are more. The sentences have to be composed using limited sounds (learned till the point) so that they appear choppy. The following excerpt from a lesson aao, khana khao (come eat food) demonstrates the point:

Aao, Kamla aao. aao, madan aao. Khana ban gaya. Meera ko saath lao. aao, khana khao. sab milkar khana khao. aao, Meera aao. aao, khana khao. mataji, dal-chawal do. lo meera, dal-chawal lo. saag lo, chutney lo. madan, roti lo, raita lo. khana chaba-chabakar khao (Bal Bharati, Part I, p. 36-7). (Come, Kamla come. Come, Madan come. The food is ready. Bring Meera along. Some, eat food. Eat food together. Come, Meera come. Come, eat the food. Mother, give me rice and daal. Take Meera, take rice and daal. Take spinach, take chutney. Madan, take bread, take raita. Chew the food while eating.)

(b) There are constant shifts in the text. For example, the text changes from a series of commands to that of narration and back to command. This is a common occurrence in the texts. It results in a bizarre reading experience. For example, the lesson based on 'u' (vowel in *put*):

Pul par ja. Gumsum na rah. Gungun mat kar. Chhupkar bat mat sun. kuli saman laya. Darwaja khula tha. Munmun awaz sun kar ayi. Saman dukan ka tha. Uska bhai guria laya tha. Woh bahut khush huyi. Burhiya kahani sunati thi. Gulab chun. Hapur ka sabun la. Munmun pul par batua na rakh. Muni ki kutiya ja. Burhiya rui lai. Kapra bun (Indradhanush Swar Mala, p. 27). (Go to the bridge. Don't be quiet. Don't hum. Don't eavesdrop. The porter brought some things. The door was open. Munmun heard him. It was from a shop. Her brother brought a doll. She was very happy. The old woman was telling stories. Pick roses. Bring soap from Hapur. Munmun don't keep the wallet on the bridge. Go to the hermit's cottage. The old woman got some cotton. Weave cloth.)

In this case the text begins with a series of commands, shifts to narration and then back to command.

(c) There are some sounds that are not frequently used in Hindi, for example, 'ri'. However, since it is listed in the alphabet, lessons are devoted to it. In these cases the language changes to very sanskritized Hindi. Since it is not easy in terms of vocabulary one wonders what sense children make of the text. For example:

kisise ghrina mat karo. trin mrig ka bhojan hain. Mrig vriksha par nahin chadh sakta. prithvi ke jeev-jantuo par kripa karo. kise par vritha dosh mat lagao (Gyan Ganga Praveshika, p. 66). (Don't hate anyone. Grass is deer's food. A deer can't climb the tree. Be kind to the animals of this earth. don't accuse anyone unnecessarily.)

This lesson is concerned with the sound *ri*. Due to the compulsion to use this sound several highly sanskritized words are used, e.g., trin, mrig, vriksha, vritha. Simpler substitutes are available for all these words in Hindi which are more familiar to children but the need to use these words arises because of the sound *ri* which appears at the end. The familiarity or difficulty level of the words is disregarded to accommodate this sound.

It is evident that the authors are not concerned with creating readable texts in terms of style. The constraints they work with is bound to make their writing contrived. The effect of such texts will be to hinder literacy development, as natural language patterns help children use their prior knowledge of language to read. Dealing with a language pattern which is totally unfamiliar and lacks any flow can well alienate children from the literate medium. Emerging readers will deal with unfamiliar medium of literacy with unfamiliar and difficult language.

Irrelevant/boring texts: Very rarely was any attempt made to make the texts relevant or interesting for

children. As stated earlier, there is little attempt made to create meaningful texts so the texts are bound to be irrelevant and boring. Even when there is an attempt to stick to a particular theme, it is rarely interesting because little attention is paid to the style of writing and the story element.

(a) The texts often contain a series of commands. For example, this excerpt, based on 'o' (vowel in *coat*), illustrates the point: dhol bajao. chor bhagao. shor na machao. paathshala chalo. kitab kholo. bolkar padho. dekhkar likho. tote ko ram-ram ratne do. coat pahno. topi pahno. motor lao (Hindi Reader, p. 19). (Beat drum. Scare the thief. Don't make noise. Go to school. Open the book. Read aloud. See and write. Let the parrot say Ram-Ram. Wear coat. Wear hat. Bring car.)

In almost all primers, the texts use this style of writing. This shows the condescending attitude towards children, who are at the receiving end of these commands. It is unlikely that children would find such texts exciting or worth reading.

(b) Sometimes they have a very philosophical and moralistic tone. It is highly unlikely that children would enjoy these type of texts. For example: Nirdhan me ishwar ke darshan kar. barf ki tarah nirmal ban. nirbhay rah. sharmnak marg se bach. jurm mat kar. baat ka marm samajh (Bhasha Sagar Praveshika, p. 14). (See God in poor. Be pure like snow. Be fearless. Avoid shameful path. Understand the meaning of utterance.)

(c) Even when the texts are thematically coherent, they often tend to be insipid and dull. They lack the story element and are not concerned with making the text interesting. These texts fare poorly when compared to children's literature. It is unlikely that children will feel motivated to read texts that do not includes their

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point of view or offers anything of interest.

These texts reveal a unidimensional commitment to phonics to the exclusion of other aspects of language. The underlying assumption about reading and literacy acquisition process is more akin to earlier views of reading (reading readiness) than to the more recent perspective of emergent literacy. It can be argued that these texts, instead of promoting literacy learning, might indeed hinder it. The message conveyed to children is that reading is a meaningless, boring activity, without any relevance to their lives, or resemblance to the language they already know. This is a specially dangerous message for children who have minimal literacy encounters outside school and are solely dependent on schools for literacy learning.

From the cognitive point of view as well, these texts are problematic. Learning of subskills and then waiting to add it all together to read meaningful texts is hardly a sensible model of learning how to read. A key function of reading (in this case enjoyment) is totally ignored. These texts certainly ask children to learn to read and then wait to use the skills in some indefinite future.

Though literacy is a major concern, it is surprising that the processes that contribute to effective literacy have been ignored so drastically. It is not that advances in theory building and research in literacy learning and even the major shifts of perspective are recent occurrences. So why have these shifts gone by unnoticed in a country where literacy is such a major issue. Why have these perspectives not influenced the Indian instructional environment?

It is, therefore, imperative to make substantial changes based on recent emergent literacy perspective;

to discuss the nature of literacy acquisition and to decide the logical starting point in school. There is also a need to redefine the meaning of an easy text. A text is not easy if it aims to teach one sound at a time. Indeed, the examples in this paper demonstrate that this method makes the text less accessible to children.

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Common curriculum for a democracy?

ARUNA RATHNAM

IF a curriculum can be viewed as a master plan of what knowledge is considered worthy of passing on to the next generation, then it embodies a vision of the future. As such, a curricular vision is a deeply political exercise. When a nation state which is unable to provide even primary education to all its citizens after nearly 53 years of independence, embarks on a curriculum-making exercise on behalf of a much fissured and fractured national community, the political nature of the exercise necessarily causes anxiety.

At the beginning of a new millennium, a mass of knowledge is available to the national community from the advance of various human enterprises. What knowledge is to get into schools which are supposed to be the responsibility of the nation state? There is, necessarily, a selection process at work in this exercise; what

power relations determine this selection process in a democratic, multi-cultural nation state? What kind of representation of the millions of unlearned citizens can a national draft drawn up by a committee (however worthy its members and keen their expertise) offer to the hitherto under-served lower classes and castes?

The ideology of a nation at once homogenises and differentiates between insiders and outsiders. The cohesion that it imposes is created through imagined and real, but selected, historical trajectories cutting across sub-national identities and loyalties. This cohesion is institutionalised in various state formations. The school is a major and primary site of institutionalised national cohesion in India.

In a democracy, this cohering ideology often conflicts with the ideal

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of equality of all citizens. Further, these conflicts also impact on the ideals of social justice for historically oppressed groups as social justice is a corollary to equality. What happens to the attainment of these ideals when homogenising nationalist ideologies are centralised in state institutions like schools?

That the nation state undertakes to write a curriculum framework for school education is hardly surprising, given the centrality of the nation in schooling and the centrality of school to the nation state. Nonetheless, the very configuring of the nation at the centre of the enterprise needs to be problematized in terms of power relations between the visualisers of a future for the national community and those for whom this future is visualized.

All these questions and the contradictory relationships between them underlie my approach to the curriculum framework under discussion. While I do not think that each of these questions needs to be answered in categorical terms, I wish to retain the energy and the creative tension these issues evoke.

In this paper I have attempted a close reading of the text in the light of the above questions. I have roughly followed the thematic order of the document in this paper as well, except in places where I attempt to link different sections for a clearer understanding of the document as a whole.

One of the constitutional obligations of a nation state is equal access to school education for all its citizens. Equality of educational opportunity through qualitative provisions for the same is incumbent not only on the state but also on the national community, if we are to consider ourselves a democratic 'modern' nation state. Though the draft makes loud and

repeated noises about 'cohesive society', 'national identity' and 'duties of citizens', it does not demand the provision of essential facilities for learning as a way to ensure equality.

If we as the national community are to take the draft seriously, it is only realistic to expect the government to provide the necessary infrastructure to implement the curriculum it has drafted on our behalf. If the government takes up the task of deciding what future citizens should learn, why doesn't its own draft curriculum guarantee suitable infrastructure for that learning to take place?

The draft does admit the existence of the issue: 'The most crucial thrust area of providing essential facilities for effective transaction of the curriculum in all schools/non-formal learning centres still appears to be a mirage,' says the draft truthfully (p. 5). It also acknowledges that 'several centrally sponsored schemes, such as Operation Blackboard, providing science kits, musical instruments etc. have not been too fruitful as one-time support does not create much impact' (ibid). It goes so far as to say that 'no nation can afford to go slow in the matter of curriculum renewal and development' (p 6).

Yet the draft evades the issue in many indirect and subtle phrases: On page 14, we are told in the context of 'non-formal/alternative schooling', that we are 'in a resource-crunch country where there is not enough funds available for the formal schooling' (sic). On page 25, the emphasis on one of the main themes, that of 'ensuring a (sic) minimum essential level of acquisition of knowledge, understanding and skill in all subjects at all stages,' is undermined by the phrase 'commensurate with the learners' abilities and learning experiences.' We will not be able to provide essential learning

experiences, yet the achievement of learning is contingent on that very provision.

The masterstroke follows in the same page where 'essential facilities' for learning is equated with 'minimum conditions for learning' by putting in an 'or' between the two phrases! As a teacher, that too of English, I find this slippage very troublesome. (Incidentally, why does the word 'minimum' become an inevitable qualifier whenever we talk of schools and school-level education?)

The first chapter does say a number of 'right' things on various curricular concerns and issues. However, these are couched in generalities which are not concretised in subsequent chapters on specific subjects. Issues such as 'recognising interface between cognition and emotion' (1.2.13) hardly find any mention later, either in sections on pre-primary or other stages of school education.

There are worrisome exclusions in the curricular concerns: instructional strategies in vogue and teacher education do not appear here, but in chapter Five on 'Implementation and managing the system' (sic). In the section 'Child as constructor of his knowledge' (1.2.12) there is no mention of the joy children take in active learning. It is all the more ironic because the next section (1.2.13) is, as noted above, on the interface between cognition and emotion!

The draft talks emphatically of 'India's contributions to world civilizations' (pages 9, 54, and 55). The concept of 'India's contributions to world civilizations' is reiterated repeatedly. But there is no mention of Indian civilization having ever borrowed or benefited from other civilizations. This omission obscures the important process of mutuality between civilizations that have cha-

racterised the growth of human advancement. Pedagogically, especially in social studies, this is a myopic omission.

Untouchability and caste system are also India's 'contributions'; yet there is no mention of these even in the context of social studies. There does not seem to be any willingness to critically examine this very material practice even in the regional discussion group which categorically states, 'The curriculum should address to (sic) the positive aspects of the heritage and not the negative' (Report on the Regional Seminar, p. 7). When sections of students experience the fallout of this aspect of heritage on a daily basis in many parts of the country, with their parents' and their lives at risk because of their caste, how can school knowledge exclude this aspect?

The draft actually mentions caste, not as part of heritage, but in a different context, that of 'strengthening national identity and preserving cultural heritage,' albeit in a misguided and thoughtless way: 'At no point of time can the school curriculum ignore including specific content which nurtures national identity, a profound sense of patriotism, non-sectarian attitudes, capacity for tolerating differences arising out of caste, religion, ideology, region, languages, sex, etc.' (p. 9).

Why should a believer in equality of all humans develop a capacity for tolerating differences arising out of caste? To me, as a teacher and as a citizen, what is to be inculcated with regard to caste is the capacity to express a 'learnt rage', to use the words of the Tamil poet Bharati.

The concept of Indian 'nation' that emerges from the first chapter, (indeed throughout the draft) adds to my concerns: the draft takes for granted that all citizens who enter

schools should have equal commitment to 'strengthening national identity' and 'national development.' It is silent on the obligations and responsibilities of the government towards its citizens even in the section on social studies. When the only school a rural student can access is run by the government, with no lab or library, no drinking water or toilet facilities, what lesson does she learn about the government and indirectly, about the nation?

Further, the draft accepts various 'curricular concerns' without any question, especially those concerning citizenship and government; for example, the continued 'important role' of non-formal system in universalising elementary education (p. 14), thus letting slide the government's constitutional obligation to provide free and compulsory education to all citizens.

Yet one of the fundamental precepts of the Indian Constitution, secularism, is questioned (p. 24); the draft calls for a redefinition of this concept. There is a mysterious passive voice in the first sentence of this section: 'Secularism, in the present educational parlance has wrongly been misunderstood as rejection of religion.' The next sentence hands us a new mystery: 'There has now emerged an opinion that the term ought to mean equal understanding of and respect for all religions "sarvadharma samabhava" or "panthanirapekshata".'

Where has this opinion emerged from? Call me a paranoid Dravida, but the Sanskrit quotations here make me uneasy about the origins of this 'emerging opinion'. In fact, the only Indian language from which quotations are drawn is Sanskrit (p. 9, 10 and 24). Except on page 9, the Sanskrit phrases are not translated. Is

Sanskritic tradition the common heritage the document harps on?

The draft says all the right things regarding education in general. In fact, many phrases are trite and pious, with little meaning. Its biases are many and often its statements seem to undermine equality and attempts at social justice.

It talks of relating education to the world of work (p. 15). My objections to this section are many: first, there is no definition of what is meant by work education. Second, by adding vocational education to this section, the confusion about what constitutes work education is confounded. There is a suggestion that even at the primary stage children should begin work education by observing work situations (p. 15). To me, this suggestion reeks of urban middle class male bias. In most rural and urban areas, students from lower classes and castes are involved directly or indirectly in their parents' work. It is only in urban middle class surroundings that students are unaware of work situations.

Besides, it brings up another question: for whose benefit are we inculcating values related to work at so early a stage? Is this evidence of the middle class mindset of viewing other people's children as mere 'hands' to be trained, as Myron Weiner pointed out (1994)? Are we going to parade to the MNCs a disciplined labour force with primary schooling?

In a country where child labour is widely prevalent, especially in the unorganised sector, and many middle school students hover precariously between going full time to work and attending school, this suggestion of work education to 'reinforce respect for meaningful work' is ridiculous. Many of my students who work part-time in the unorganised sector in Chennai, say that they respect such work

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because it is meaningful, but their respect for school knowledge is low because it is not. It is a pity that such students' voices (these students are in the majority) are not taken into account on what constitutes meaningful education.

Another problem in this section relates to the suggestion that the focus of vocational education 'has to be on the vast unorganised sector of self-employment' (p. 16). It is not clear if vocational education should train students to start small businesses of their own or whether the training should involve participating in or working for 'unorganised sector' during and after their education. For, it is this sector that often exploits under-age workers. And in the context of increasing contract work on piece rate by MNCs to reduce costs, this emphasis on training for the 'unorganised sector' assumes sinister overtones. Clarity in this matter is very important.

Under the title 'Culture-Specific Pedagogies', the document emphasizes the need to use pedagogies meaningful to the cultural milieu of the students (p. 18). How about evaluation strategies? Can they be made situation-specific? The document also talks about the importance of oral expression (pp. 40-41) at all stages. But under 'Evaluation', there is no concrete measure suggested except a general statement: 'More use of oral testing should be made to assess the development of basic skills in language...' (p. 91).

If a National Testing Service is to be established, what happens to flexibility measures and internal autonomy? Would ETS draw up a list of skills for all languages for schools to use? If so, what happens to speakers of dialects at the primary stage? This is a crucial question for children from dalit and other lower caste com-

munities; they are not allowed to interact with their upper caste peers; their dialects are far removed from the standardised form of the dominant language which is closer to upper-caste speech (Ilaiah, 1996; Suresh, 1987). Teachers are not always aware of the significance of this and condemn dalit children's language. How will oral testing take care of such nuances?

ETS is likely to conduct common tests for students from all the boards. (It is not clear what the purpose of ETS will be.) Each board of secondary education sets its students different standards; evaluation methods are different. Content and instructional strategies are different. Learning experiences are necessarily richer for the students of some boards (example, ICSE) than others (example, regional medium state boards). As things stand, most of the students of regional medium state boards are pushed out of common entrance exams for professional courses. Will ETS kind of common standards create another glass ceiling for them, just as testing in English has done in the case of several entrance exams?

Such questions become urgent especially when we link the issues of instruction in core areas to the aims listed in chapter Two on pages 23-25. I want to quote the document on a crucial idea: 'ensuring to (sic) minimum essential level of acquisition of knowledge, understanding and skill in all subjects at all stages, *commensurate with the learners' abilities and learning experiences*' (p. 25; emphasis mine).

In the section on mathematics, after some pertinent questions about maths for 10 years of general education, there is a statement: 'It goes without saying that mathematical reasoning demands higher mental ability'

(p. 43). Why does it go without saying? Where does such a statement, with a loaded mind set come from? The word 'ability' is often used in contexts of 'inherent quality'. Is that the sense in both places?

To me, as a woman, it reverberates with historical echoes: women were not considered to possess the necessary 'intelligence' for maths and hard sciences not so long ago. Dalits, men and women, were not credited with the 'intelligence' for literacy. How will this higher mental ability be assessed? By whom? When will this assessment take place? What kind of evidence is available for such a statement?

Further down in the same paragraph the document claims, 'many educationists feel that mathematics should be compulsory only up to Class VIII (sic), while some other opine (sic) that there should be two types of mathematics courses at secondary level and senior secondary level. These courses should be need-based. At the secondary level there should be one course for those who will pursue mathematics as their future career and another course for those for whom Class X will be a terminal stage. As such the important issue is what sort of mathematical skills and competency are required upto ten years of mathematics education' (p. 43).

Now, who are these educationists? Why doesn't an important document like this draft curriculum have references from where it draws such extraordinary ideas? Do these educationists seriously think that by end of class VIII students know enough to make an informed choice about their career? And how many students really have a choice about what they study beyond class X? And: does the last sentence of the quotation talk about the second stream? If so, it sounds like

the two-stream idea is a foregone conclusion and so is not 'an important issue.' I find the entire treatment too cavalier.

The document does mention the problems leading to student frustration in mathematics learning with regard to content and instructional methods on page 44. What is the place of educational environment and experiences in assessing this 'higher mental ability?' Will learning experiences or lack of them before class VIII be taken into account during assessment? Or will ETS be involved in framing tests for these too? There are far too many disturbing questions that go unanswered by this section. How these questions will be resolved is likely to affect the future of millions of children as well as the future of mathematics education in this country. Besides, if equality of opportunity is to be maintained within the schooling system, the two-stream idea cannot be a solution.

Another example of middle class bias is the emphasis on the use of calculators. Realistically, what percentage of pupils from lower classes across the country can afford to possess one? If the issue is resolved in favour of the calculator, which segments of students are most likely to possess one? Will the government provide each class in public schools with calculators as part of the minimum conditions of learning? Far more serious issues relate to the availability of qualified math teachers, student-friendly instructional materials and evaluation methods. Yet there is very little concrete or constructive on these issues. .

In terms of language instruction, this framework does not offer an improved conception of English as a second language. First, second and third languages are clubbed together

under 'Language' (38-42). Pedagogically speaking, this is a disservice to teachers, students and to syllabus writers. Phrases like 'suitable standard, literary value, functional and applied grammar, various forms of literature' figure all over these pages. In 10 years of general education, how do we deal with literary value in second language? How are first and second language instructions conceptualised? How are these differentiated?

My teaching experience shows that we, as an educational community, have no clear concept of what kind of competencies will help learners of English as a second language. Nor have we invested serious thought or capital in developing instructional packages for oral and listening skills, either for the teachers or for students. A vast majority of teachers have little consistent exposure to spoken English.

If we are earnest in proclaiming the importance of English as the link language to the technological world, we need a radical reconceptualisation in this area. We need to evolve instructional strategies to teach this language effectively, for student frustration in learning of English is as high as it is maths. Effective teaching of English as a second language will go a long way in reducing existing disparities between the students of the various boards of education.

That the draft curriculum has problems with definitions has been mentioned before. A truly hilarious example is the set of definition-like sentences at the beginning of Section 2.5.3, titled 'Science and Technology': 'Science and Technology is a great human enterprise. It is a *self-growing, self-pervading*, self accelerating and self correcting enterprise which originated in the collective curiosity of *man* since time immemorial' (p. 44; emphasis mine). I have not

managed to grasp the latter sentence. Perhaps readers can explain it to me. I request them to note the use of 'human' in the first sentence and 'man' in the second, as an indication of a particular mind set.

· I am surprised that science is clubbed with technology as one of the core disciplines. This coupling eminently reflects the lack of clarity in thinking that pervades the document. Further, the rest of this section mires one in confusion: there is the usual suspect, the scientific temper with capital S and T (p. 45). I am as baffled by the definite article as by the capital letters.

Further down the page comes a paragraph on scientific literacy. I do not wish to be accused of quoting out of context: 'Science operates through its processes and, when combined with technology, improves the quality of life and serves the society. Therefore, the basic philosophy of science is shifting from scientific literacy to scientific and technological literacy.' I am not clear if this refers to a paradigm shift in the field of hard sciences, or if it refers to a need to change the educational aim within Indian schools. The immediate paragraph confounds the issue by listing seven dimensions of 'scientific literacy'.

The two stream idea surfaces in this section too. Again with the same mysterious 'many educationists, school teachers and teacher educators' seem to advocate this idea (p. 48). The document itself raises the questions how such streaming is likely to affect equality and create further differentiation among the students. The participants of the regional discussion in Mysore have not supported the two stream idea, and have rightly pointed out that more process-oriented curricular transactions are part of the answer (Regional Seminar Report, p. 13).

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With regard to both science and math education, there have been systematic and effective experiments in many parts of the country. Instructional materials, methods and supplementary materials have been prepared and used by teachers in many schools. Organisations such as Homi Bhabha Centre in Bombay, Eklavya in M.P. and P.K. Srinivasan's Mathematics Centre in Chennai, peoples' science movements in different states, to cite a few examples, have evolved and refined exciting and lucid ways to teach complex concepts in science and math by actively involving teachers. There are also individual teachers who have developed low-cost aids using locally available resources to improve instructional environment and enrich learning experiences.

An effort to collate and distribute the fruits of these experiences will enhance the quality of teaching and learning in these crucial areas. Curricular plans without constructive instructional components tend to muddy the waters. With equal emphasis on curriculum and instruction, we can better serve our student community and avoid proposing discriminatory streaming.

Social sciences have been cursed with neglect and lack of conceptual clarity in school curricula over the years. Inspite of being a site of social contestation, this core area has been treated rather casually by students, teachers and parents. Curriculum planners seem to increase the confusion and contempt to which this exciting core area has been subjected to. This document is no exception: It talks about globalisation and localisation as important curricular concerns and then goes on to suggest a theme-based approach. Again, the terms are so generalised that the section indicates no clear direction in this area.

The prize for clear-as-mud writing on the topic to date has to go the paragraph on paradigm shift in social sciences on page 53. Such writing exacerbates the conceptual mess we have engendered in social studies at school level. The specific core themes suggested in page 54 negates much of what the draft says earlier and later in this section.

An interdisciplinary approach is suggested, along with components of value education, work education, issues related to the national ideology and all the other concerns featured in chapter 1. Linkages with math and science knowledge are also suggested. I wonder if it is humanly possible to write a syllabus based on these pages for 10 years of school-level social studies, and do justice to the interdisciplinary demands of the enterprise. And will such a loaded syllabus be meaningful to students?

As it is, social studies is a neglected area, both in terms of availability of qualified teachers and learning materials. A theme based approach needs interdisciplinary expertise to use even prepackaged modules in instructional contexts. What kind of teacher preparation and instructional development is envisaged to effect this approach? Or are such ideas beyond the purview of this document?

The urban bias that pervades this document manifests itself in unexpected places: on page 99, while suggesting that local environment can provide rich resources for learning, the document looks at rural environment only in physical terms. In human and cultural terms the rural areas seem to have nothing to offer! Such elements are attributed to the urban areas.

Evaluation strategies need to be built into the instructional processes so that students learn how to improve

and consolidate their skills, competencies and abilities in any given curricular area. National level testing cannot help in this aim. Life long learning can be achieved only if the learner is equipped with critical skills regarding her own learning. Similar attempts are necessary in teacher education too.

This issue brings me to the presence of teachers in this document: I am not sure if teachers were consulted at any stage in preparing the draft. Occasional references to teachers do occur, especially in connection with the two-stream idea in science and maths. The only other reference to teachers leaves me angry and appalled: '*Even* empowerment of teachers as curriculum developers would be desirable' (p. 99; emphasis mine). There is a section on teacher education, which talks mainly about technical support from various sources for teacher training.

Under teacher training significant themes, that of professional pride in their work and the affective aspects of being with children, need to be incorporated. For primary school teacher-trainees, school visits, with specific attention to resource-rich and resource-poor learning environments may be introduced. Curriculum theory hardly finds a place in teacher education syllabus. It is important that teachers be familiar with this area to effectively create instructional packages using local sources and resources, combining them with outside inputs through information technology.

Another reason why teachers should be empowered to engage creatively with the processes of curricular and instructional designing has to do with decentralisation to the classroom level. Educational planning and execution have for too long followed top-down models. This has resulted

in ineffective teaching and deskilling and demoralisation of teachers as professionals. The success stories from DPEP projects should have taught our educational planners that empowering of teachers in this manner is an important step in achieving the constitutional obligation of providing free and compulsory education in an effective fashion.

In conclusion, I return to the questions that I posed in the beginning: a democratic nation institutionalises schooling to provide equality of opportunity in every walk of life to all its future citizens. As long as we have differentiated secondary education boards that provide different levels of educational experiences to different sections of society, no common framework of content can help the nation to be cohesive. If we as a society truly believe in democratic principles, we will galvanise ourselves and our political leadership to provide the best to our poor schools, instead of depriving them further by diluting the curriculum and obfuscating our elitist mindset with words like 'ability'.

This document focuses only on the content of school curriculum, thus badly fracturing the fundamental idea of curriculum by unequal emphasis on content and instructional process. Both are equally important as one can be destroyed by the poor quality of the other. Without specifying instructional components clearly, we cannot hope to achieve any level of competency in core areas.

A vast majority of our children study in schools where the only available instruction is the lecture by teachers. A minority, on the other hand, has access to the best methods and materials the country has to offer. A common framework of content, which is what this document turns out to be, can only widen the disparity by ignoring the modalities of learning experiences.

It is unimaginative and sterile educational planning that suggests a two-stream idea for the first 10 years of education. If educational planning divides an already fissured society further, it will be inimical to democratic principles, and ultimately to the very cohesion of society that the document seeks to create. A truly egalitarian framework must exhibit the political will and commitment towards establishing schools with the essential conditions of learning, i.e. demanding excellent and resource-rich facilities.

A mere reiteration of pieties in school will not inculcate values in students. A student frustrated by an arid learning atmosphere has nothing to show for her commitment to the nation, as the school is the primary site of her interaction with the abstraction of a nation. Victorious India that the national anthem celebrates will not be at hand if our educational planning and execution continue to waste millions of minds through undemocratic distribution of resources.

Democratic processes need to be seen and felt in practice if civic sense is to be inculcated in young minds. An adolescent will not be proud of her society and country if she cannot commute to school in safety, if she cannot be elected as the school pupil leader, or if she is not provided with the facilities for learning without fear, no matter how ancient and glorious its cultural heritage.

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Dealing with deprivation

GEETHA B NAMBISSAN

THE recently released National Curriculum Framework for School Education (NCF) has once again reiterated the need to provide for 'equal opportunity to all, not only in access but in the conditions of success' (NCERT: 2000; earlier stated in NCERT, 1998:4). It specifically raises the concern of educational deprivation of communities such as the Scheduled Castes (dalits) and Scheduled Tribes (adivasis).

The curricular framework is of interest because the quality of schooling is an important factor in the educational backwardness of poor and marginalized groups. Both the large magnitude of discontinuation from school, particularly in the early years of schooling when poor children are usually too young to work, as well as the citing of 'lack of interest in education' as a significant reason for drop

* This paper draws upon my article, 'Social Exclusion, Children's Work and Education' to be published in N.Kabeer et al. (eds), *Needs Versus Rights? Child Labour and the Right to Education in South Asia* (forthcoming).

out from school has drawn attention to the curriculum and pedagogic practices that shape the educational experiences of children.

Curricular and pedagogic concerns in the NCF, however, fail to be adequately informed by an understanding of the specific context of educational deprivation, particularly where the economically and socially vulnerable communities such as dalits and adivasis are concerned. For instance, it is important to recognize that these communities were historically deprived of education because of the position of dalits as untouchables in the caste system and the isolation, exploitation and stereotypes of 'cultural backwardness' of adivasis. That these factors may continue to be relevant to the educational experiences of these communities today has largely been ignored.

Special constitutional provisions, policies and programmes in post-independence India were directed towards the economic and educational development of dalits and adivasis.

However, the situation of these communities today is one of economic marginalisation, social vulnerability and educational backwardness. A significant proportion of the population belonging to these communities lives below the poverty line in rural India. Literacy levels in both communities are extremely low. Dalits continue to experience social discrimination because of their traditionally low position in the caste hierarchy and the adivasis are increasingly witnessing the breakdown of their traditional economic and social institutions as well as the marginalisation of their cultures. For these communities, poverty (and the phenomenon of children's work) is still a major deterrent to enrolment of their children in schools. However, the fact that (in 1993-94) as many as 41% of dalit and 47% of adivasi children (5-14 years of age) in rural areas had 'dropped out' of school makes their learning experiences within schools a matter of immediate concern (NSSO, 1997).

This paper draws attention to the learning experiences of dalit and adivasi children in rural India. It focuses on the available (though extremely scanty) research on classroom processes and highlights the manner in which the educational experiences of dalit and adivasi children are influenced by the larger context of social marginalisation of these communities. It dwells briefly on the curriculum, language of educational transaction, and the hidden curriculum of teacher attitudes. It argues that the NCF pronouncements regarding equal opportunity in education disregard the concrete educational realities that children from these communities actually encounter in schools. On the other hand, the assumption by the NCF that non-formal and alternate structures of schooling will meet the

educational needs of these children suggests that they are unlikely to be assured of 'equality of access or conditions of success.'

What kind of learning conditions do dalit and adivasi children, often first generation learners, first encounter as they enter school? Schooling in the relatively backward villages and remote adivasi regions are generally characterized by poor physical infrastructure, lack of basic amenities, as well as less than the adequate number of teachers. Dilapidated buildings, leaking roofs and mud floors appear quite common in schools and provide a depressing atmosphere for children. Teaching aids, apart from the blackboard (or what usually passes for a blackboard), are relatively absent (Nambissan, forthcoming). The conditions of the schools can be quite appalling as seen in this description of a school for dalit girls: '...the environment of this institution was reported to be very dirty as the ground was swampy and there were cow-dung heaps and firewood stocked all over' (GOI, 1988:303). Or Sainath's reference to a school in an adivasi village in Orissa 'now being used to stock tendu leaves and corn' (1996:54).

Teacher absenteeism as well as non-functioning schools is also a feature of the more backward regions and in particular, the adivasi areas. A government report observes that, '...a number of schools, especially in the tribal areas, had remained closed for certain periods of time and in a number of cases these schools had not functioned since the beginning of the academic year' (GOI, 1988).

Almost a decade later, Sainath finds a similar if not worse situation in the adivasi villages in Orissa. He says, 'In Adro, deep in the hilly areas of Boarijor block, *the school master... has not shown up for two years*' (1996:

54; italics mine). Anitha, in her research on classroom processes in schools in Tumkur district, Karnataka, found that the school day was significantly shorter in schools in the 'SC/ST concentrated villages' as compared to the other schools studied. This was mainly because, 'A majority of these teachers do not stay in the village and belong to the dominant castes, displaying a distinctive negative attitude towards the education of children of lower castes' (2000:195).

The transaction of the conventional curriculum in rural schools is a far cry from one that 'encourages exploration, problem-solving... participatory... interactive group learning...' and so on (NCERT, 2000:11). A recent study by Bodh (DPEP, 1999) of schools in villages of Madhya Pradesh and Rajasthan (a number of them predominantly inhabited by lower castes and adivasis) reveals that curriculum transaction continues to be primarily textbook based, directed by the teacher and dominated by rote learning. The boundaries between school and community knowledge are rigidly drawn with the textbook serving as the only source of 'legitimate knowledge'. Teachers rarely relate to the knowledge base of children.

The authority of teacher is unquestioned and children usually ask no questions even to clarify their doubts. Children listen to the teacher, copy lessons, memorize them and answer questions (DPEP, 1999). In single and two teacher schools that predominate in the more backward regions, the situation is compounded as teachers are confronted with teaching children of many grades together, a situation that their training least prepares them for. They evolve their own coping strategies such as huddling children of two or more grades into one classroom, keeping pupils

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busy with writing work, and using punishment to maintain discipline. Learning becomes a casualty in the process (Nambissan, forthcoming).

The maintaining of discipline usually dominates classroom processes. Anitha found that in the SC/ST concentrated villages in her study, educational transaction was dominated by what she calls the 'domesticating orientation'. This is where 'the educational transaction is directed to keeping the children within the classroom without assigning any specific task.' Teachers tended to emphasise discipline by instilling fear in children. According to Anitha, educational transaction was characterized by, 'The absence of learning activity, accompanied by silence (defined by the teacher as "tolerable noise")...', and was similar to 'herding' (192).

As members of dalit and adivasi communities, children often find that their languages and cultures are other than that which is officially the 'standard' or considered 'mainstream' in schools. This has important implications for the educational experiences of children from these communities. There is today a considerable body of research that shows that the exclusion of minority cultures from schools adversely affects the sense of self and identity of children, their motivation in school, as well as the very process of learning. In relation to language, special emphasis is placed on the importance of 'home languages' in primary education, not only as bridges between home and school but also in that they facilitate the development of conceptual and linguistic abilities of children, and hence the process of learning (Corson, 1993).

A number of Indian policy documents have emphasised the need for adivasi languages to be used as medium of instruction at least in the

first few years of schooling. The NCF in fact states that in order to respond to the educational deprivation of dalits, adivasis and minorities, there is need to 'integrate socio-cultural tribal perspectives and to show concern for their linguistic specificities and pedagogic requirements' (NCERT, 2000:8). However, despite policy pronouncements to the contrary, schools in the predominantly adivasi areas mainly use the regional language as medium of instruction in schools, with the exception of adivasi pockets in the north-east of the country. It is hence not surprising that non comprehension is seen as an important reason for the poor performance of adivasi children in schools.

In addition are derogatory attitudes to the languages of adivasis that stem from prevailing stereotypes of these communities as 'backward' and 'uncultured'. Saxena and Mahendroo, describing their experience of schools in Madhya Pradesh observe, 'In schools, there is no dearth of episodes where children are punished for failing to talk in the standard language or continuously lapsing back in the mother tongue' (1993:2446). Nambissan suggests that the exclusion of tribal languages from school as well as negative teacher attitudes to what are usually referred to as 'tribal dialects' could be partly responsible for lack of interest of children in their studies, poor performance and ultimately drop-out from schools (1994).

The pedagogic implication of distances within the regional language, between the standardised form of the language and that which is spoken by the lower castes, has also received some attention in recent years. For instance Aruna points to what she calls 'linguistic disciplining' by the school when lower caste children bring their 'dialects' to the class-

room. Teachers take it upon themselves to correct children's speech so as to ensure that they follow what is regarded as the 'pure' form of the language (1999:1012).

Like Saxena and Mahendroo, Sreedhar also comments that dalit children are often 'punished or ridiculed in the classroom for using the code acquired at home.' This also disrupts the normal process of the use of language in knowledge construction. Sreedhar cautions that the teacher who 'rejects the linguistic code of the dalit child, rejects not only the child but all those who speak the same code including the child's peer group, friends, and parents...' The child is often forced to make choices between her own world and that of the school '...and in the process gets totally alienated from the school, leading to drop-outs' (1999:14).

As mentioned above, the NCF as well as other policy documents emphasise the need to incorporate the culture of the adivasis into school curriculum, primarily to integrate adivasi children into the school and reduce their alienation from the content of education. However, schools in predominantly adivasi areas continue to follow the centrally prescribed curriculum that reflects 'mainstream culture'. Official curriculum barely acknowledges the existence of dalit and adivasi communities, despite the fact that they form a significant proportion of the population especially at the district and local level in many states in the country (Kumar, 1989).

On the other hand, these communities, when represented in the textbook, are portrayed largely in subservient roles in accordance with what is perceived as their traditionally low position in the social hierarchy (ibid; Nambissan, 1996 and 2000). Recent writings of dalit intellectuals have also

emphasised that the content of school knowledge excludes the culture and experiences of lower castes and dalits and hence is alien to them. Referring to the richness and diversity of languages and experiences among producing communities by virtue of their being structured and rooted in the production process, Ilaiah observes that the linguistic skills or knowledge of the lower castes have no place in the education system (1996:56).

Little acknowledged by school actors and indeed by researchers is the experience of social discrimination experienced by dalit and adivasi children within the portals of the school. Classroom culture in the context of the hidden curriculum of social discrimination as reflected in teacher attitudes, classroom interaction and peer culture, and so on is little documented. Some studies do say that discrimination within schools appears relatively absent (Shah, 1998 cited in Thorat, 1999). However, this is largely in terms of overt acts of discrimination such as segregation in seating arrangements, not allowing dalit children to drink from the common pitcher of water and so on. Scattered references in a number of studies suggest that classroom processes in schools are pervaded by discriminatory practices that relate to larger societal attitudes regarding the 'inferior' caste status of dalits and the 'backwardness' of adivasi cultures (Nambissan, 1996; Velaskar, 1998).

Ilaiah (1966) refers to his own teachers (of higher caste) in school thus, 'If he was a Brahmin he hated us and told us to our faces that it was because of the evil time – because of kaliyuga, that he was being forced to teach "Sudras" like us' (1966:12). Velaskar (1998) says that, 'new stigmatizing' identities based on secular criteria of lack of merit are being imposed on dalits in place of their 'old, traditional, impure identity.' They are labelled as 'undeserving, stupid, indolent...' and so on (1998:227). Anitha reports that some teachers quite openly stated that, 'formal education is not useful for the children of the lower castes.' According to her, 'These teachers support their argument by citing instances among children of those communities who have discontinued schooling and working as agricultural labourers in the same village' (ibid: 191).

Dalit and adivasi children perform poorly in schools. A study of children's achievement in tests of language and mathematics found that only around 39% of answers were correct for dalit and adivasi students (Shukla et al., 1994 cited in World Bank, 1997:133). Anitha, in her earlier mentioned study, notes that students from schools that were located in dalit/adivasi concentrated villages were found to perform poorly in mathematics and environmental science when compared to students from other types of villages (2000:183).

Teachers and school heads tend to relate the poor performance of dalit and adivasi children to their social backgrounds: caste status, apathetic attitudes of parents, the fact that parents prefer to make children work, as well as their lack of ability and basic intelligence. Anitha's discussions with the head master and teachers in a SC/ST concentrated village reveal stereotypes of lack of ability that underlie teacher attitudes to the education of these children. Some teachers referred to children as 'good for nothings', that 'whatever benefits are provided, these people will not improve'; 'even stones would respond but not these kids' (Anitha, 2000:89).

On the other hand, her observations also point to the domination of classroom transaction by disciplining of students, resulting in the drastic reduction of time devoted to the actual process of teaching and learning. It is significant that there is little acknowledgement by teachers or school heads that the poor quality of education offered by schools is a critical reason as to why dalit and adivasi children perform badly in their studies. While there is the realization that these children are usually first generation learners and are often engaged in work as well, there is no understanding of the need for the school to provide positive academic support which children are unlikely to receive at home. On the other hand, teachers frequently use corporal punishment in the classroom.

The Bodh study mentions that corporal punishment was common when children failed to give the correct answer to the teacher's questions. Teachers often felt that fear was necessary for children to learn (DPEP, 1999). Where communities such as the dalits and adivasis are concerned, stereotypical notions of social inferiority underlie the use of corporal punishment as a pedagogic tool as well. A teacher in Anitha's earlier mentioned study called the dalit students *kadu-jana* (forest people) and believed that 'they would not learn without beating' (2000: 88). Schools thus not only fail to reach out and address the context of educational deprivation of these communities but often tend to compound it.

To what extent do classroom processes that denigrate the child's identity, deny her the right to learn with dignity and fail to provide her the necessary academic inputs and affect her motivation to learn? There are only a few scattered recollections by dalit and adivasi adults of their experiences in schools. However, the fact that though articulated in adulthood,

these are vividly remembered childhood experiences of schooling, suggests that dalit and adivasi children are likely to be deeply affected by discriminatory and thereby exclusionary school practices. For instance, Ilaiah, looking back, reflects on the exclusion experienced in school '...our childhoods were mutilated by constant abuse and by silence and a stunning silence at that' (Ilaiah, 1996:14).

It is a matter of concern that policy documents, and indeed the present NCF, while loud on rhetoric, fail to address the quality of education that children of poor and marginalized groups experience. On the other hand, the NCF reiterates the need for non-formal education (NFE) for children who are unable to access formal schools. However, it is well known that other than for a few innovative programmes by NGOs, NFE has failed to offer education worth the name to those hitherto deprived of it.

Equally significant are references to alternate schools and other 'flexi systems' for children (NCERT, 2000:14). These no doubt include recent state initiatives such as the 'cost-effective para teacher schools' that seek to provide greater access to education to rural habitations that were hitherto deprived of primary schools. The most well known of these is the Education Guarantee Scheme (EGS) of Madhya Pradesh that is now being used as a model for the rapid achievement of universalisation of elementary education. What is characteristic of schemes such as the EGS is that they are based on community demand for schools and employ poorly qualified and minimally trained local youth as teachers. These teachers are also paid lower salaries than regular teachers.

Programmes such as the EGS have met with a tremendous response in terms of enrolment of children in these schools. In that sense they have undeniably established the strong desire for regular education among communities that were hitherto without even physical access to primary schools. The quality of education in such schools should, however, be a matter of concern, particularly as poorly qualified and trained teachers are expected to meet the diverse learning needs of first generation learners. The Bodh (DPEP, 1999) study of para teacher schools (including four EGS schools) reveals a number of positive aspects, such as the fact that these schools have increased the access of poor and marginalized groups to education, local teachers have good community linkages, and schools function relatively regularly.

However, the quality of classroom transactions has been found to be poor. Para teachers are seen to lack the necessary professional development as well as ongoing academic support. In addition, para teacher schools lacked 'appropriate physical infrastructure and a satisfactory school environment for carrying out effective and efficient teaching learning' (DPEP, 1999: ix-xiv). In the larger context of equity in education, it is important to ensure that 'alternate', 'flexible' and 'participative' schools (which are now keywords in policy) do not become inferior systems of education for the poor and marginalized.

The foregoing discussion suggests that for dalit and adivasi children, classroom processes are likely to be pervaded by discriminatory attitudes and practices that stem from the position of these communities in the larger social structure. We have tried to show how these processes deeply affect the educational experiences of children and deny them access to education of quality and learning with dignity. The exclusion of children's language and culture from the medium and content of school knowledge, as well as messages of inferiority that are conveyed to them through the hidden curriculum, are critical factors that are likely to adversely affect children's motivation to learn and their interest in their studies.

Also highlighted is the lack of sensitivity of schools to the economic and social realities that children experience in their daily lives. The fact that schools have failed to provide adequate academic support to dalit and adivasi children, a majority of whom come from non-literate and poorly educated homes, is also a factor that is usually ignored. On the other hand, the rapid expansion of 'para teacher schools', points to the possible institutionalization of inferior systems of education within the formal school system. By ignoring classroom processes experienced by children who have been hitherto deprived of education, and recommending that they be provided alternative schooling systems (preferably managed by local communities or NGOs), documents such as the NCF suggest that the state is well on its way to abdicating its responsibility of ensuring every child the right to education without discrimination.

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Books

THE GENDER GAP IN BASIC EDUCATION: NGOs as Change Agents edited by Rekha Wazir. Sage Publications, New Delhi, 2000.

IN the Archimedean version of the fable, Achilles and the Tortoise, a small head start for the tortoise is enough to ensure that Achilles never catches up with his rival if both are running at the same speed. A proposition though mathematically correct, but nevertheless, for most ordinary people, seems to defy common sense.

A similar feeling of 'this can't be true' is an understandable reaction from the concerned citizen faced with official reports and documents on girls' education. According to the Department of Education, Government of India, girls have been given a more than generous head start in education. In 1986, the National Policy on Education (NPE) recognised the need for 'neutralising the accumulated distortions of the past' and providing a 'well-conceived edge in favour of women.' The eloquent commitment to education for women's equality in the NPE is stated to be the inspiration for a number of special initiatives for girls' and women's education. From small pilot programmes like Mahila Samakhya and the Bihar Education Project in the '80s, to the huge, and still growing, District Primary Education Programme in the '90s, there have been several 'successes'. Yet, girls never seem to catch up – at the last reading, the gender gap in enrolment at the primary level stood at 22 percentage points, and the gender difference in adult literacy rates was nearly 30%.

While critiques and analyses of government approaches to women's education are thick on the ground, writing on NGO initiatives is less useful. Yet, NGOs have been pioneers in the field – in fact, most innovative government initiatives trace their lineage back to path-breaking experiments by NGOs. Most of the documentation on these experiments falls into the category of 'showcasing of best practice' – a genre encouraged by donors but extremely limited in its contribution to the learning of other practitioners. Occasionally, though, one encounters a critical contribution to the debate on education, like this collection of essays on NGO approaches to girls' education, edited by Rekha Wazir with contributions from some outstanding scholars, development workers and researchers in the field of girls' education.

In her crisp introduction, Wazir sets out the issues. Rejecting the view that poverty and cultural biases are the major factor keeping girls away from education, she locates the root cause in 'political indifference, bureaucratic inertia and societal apathy' that have made the *status quo* an acceptable way of life. Thus far, the analysis mirrors that of most recent writings on education in India. Where it breaks new ground is in recognising that a mere upscaling of successful NGO experiments – the underlying motivation of the 'best practice' school of thought – cannot close the gender gap. Wazir argues for 'new forms of realisation and mobilisation, not only of resources but of communities themselves.'

Wazir locates the exploration of concepts and approaches to girls' education in a larger framework of change in the terms and conditions of NGO functioning. From being actors on the experimental fringe, NGOs have moved to being officially recognised as essential partners in social sector interventions, sought after by governments and donors alike for their flexibility, cost-effectiveness and ability to innovate. Apart from establishing their commitment to 'good governance', governments have found it convenient, in the face of pressure to cut social spending, to shuffle off some of the responsibility of raising resources for education onto NGOs.

Read together, the essays in this book are an attempt to explain why the NGO sector has failed to impact literacy statistics at the national level. The framework looks at the supply, demand and institutional dimensions of the situation. The range is wide, and authors have widely differing, and sometimes contradictory, perspectives. Malavika Karlekar finds merit in non-formal and alternative schooling for girls, while Shanta Sinha feels that mainstreaming is the only

legitimate option. Vimala Ramachandran emphasises the need for women's literacy programmes to get pedagogic inputs from specialised agencies, while Geetha Nambissan sees local languages and cultures as educational resources in themselves. Wazir's afterword stitches together these perspectives while recognising their diversity, and emphasises that the cumulative store of NGO experience forms a rich resource for policy-makers.

In her concluding section, Wazir ends with some words of advice to NGOs – they should not seek to replace or duplicate government initiatives, they should stick to 'demand-side' interventions, and they should work from a rights-based perspective. Her recommendations are that NGOs should focus on creating good practice (that term again!), advocacy, networking and community mobilisation. One has no quarrel with any of these – even though they sound very like the lectures that bureaucrats in the Department of Education like to give to the NGOs they fund. Still, it is disappointing that Wazir does not return to the themes of her introductory section, and further elucidate her point about new forms of mobilisation being necessary to close the gender gap in education.

A detail that struck this reviewer but which may be dismissed as irrelevant – all the contributors to this volume are women. My own quick mental review of the field (certainly not comprehensive!) did not throw up the names of any missed-out men who could have added to the debate. The majority of the NGOs cited in this book fall into the 'women-headed and women-focused' category. How much have they been able to influence the perspectives and approaches of other NGOs working in the field of education? Not much, if one goes by the fact that the majority of NGO interventions in education are not gender-sensitive! This is certainly an aspect that deserves exploration.

Kalyani Menon

LESSONS FROM SCHOOLS: The History of Education in Banaras by Nita Kumar. Sage Publications, New Delhi, 2000.

BANARAS invariably conjures an image of a river that is continuously changing yet remaining the same. There is both a sense of movement and of being rooted – almost unchanging. People who studied in Banaras, especially in the pre-Independence era, refer to it as a centre of education and philosophical discourse. One of the earliest 'melting pots' of India, people from every

corner of the country came here – migrants and short-term visitors. Nearly every major community had its own 'base', a reference point.

In the public imagination, Banaras is as much associated with death rituals, ghats and temples as it is with Sanskrit, classical music and philosophy. It is also associated with a special kind of popular culture – from the aristocracy of Bengal, Bihar and the rest of the northern India, to traders, weavers and artisans; every section with its own special lifestyle and popular culture. Brahmins were not the only visible dominant community in the city. That is why a book on the history of education in Banaras is important.

The book is unusual and the canvas vast, both in terms of the time frame as the range of institutions of learning. Perhaps no reviewer can do full justice to a book of this kind – historians may look at it quite differently from educationists. Notwithstanding the coloured lens of the reviewer, this book is interesting and unique, a must read for anyone interested in the larger discourse of traditional education, colonial heritage and the modern system.

The book begins with the era of Sanskrit education and the system that was followed in India for centuries. The politics of maintaining control and pre-eminence, the status of the Banaras pundits and the gradual shift from traditional systems to the emergence of Sanskrit colleges makes for fascinating reading. Clearly the desire to control and direct the course of learning is not the creation of colonial masters. This is of particular importance today given the tendency to romanticise the past. While scholars from many parts of India came to Banaras and participated in discourses, the pre-eminence of a particular region was more than evident.

One insightful comment made by the author is about the virtual absence of the 'child' in this world. Though these glimpses into Sanskrit education, we learn that the child is almost totally invisible. The focus is on conflict and resolution between adults only, with the child not addressed directly or written about. 'In this system, the child has not been "discovered"; the child is an unformed adult and must be trained for a proper place in the adult world, and guided towards self-awareness. To this extent there is a notion of equality – or of "sameness" – between ages and persons' (p. 26). And of course there is almost no space for women – women scholars were incidental, an exception that only reinforced the general rule.

The book moves on to the education system adopted by the trading community – training in

accounts and bookkeeping. Education for them and for artisans had a clear end – to be able to continue with the caste/community vocation. There are interesting details on curriculum and the broad principles/rules (ethics of the trade) followed by 'teachers'. These chapters discuss how the artisans and trading community responded to the Woods Dispatch and the advent of colonial education, from initial resistance/hostility to gradual adoption. The chapter on the rationality of artisans and the beginning of Muslim education (madrasa and non-madrasa) is unfortunately dealt with sketchily, and does not really gel into the larger narrative of the book.

The advent of British colonial education – Annie Besant and the theosophists, the Hindu reformers – led to the introduction of primary education of a new kind. The author attempts to capture the queer mix of religion, secular ideas, science and modern liberal thought that characterised this age. Undoubtedly this is a difficult task. The author, therefore, focuses on two schools, Central Hindu School and Arya Mahila School. The chapter on women's education is based on Arya Mahila School, Agrawal Samaj School and Durga Charan Girls School. The contrast between the public discourse on the content of girls' education drawing on scriptures, ethics, behaviour and conformity to the principles of Manu and the personal lives of women who ran these schools is of particular interest. These were strong women, mainly widows, who exercised a remarkable degree of autonomy in their own lives.

As the author points out: 'In her own life, Vidya Devi preached one set of values but demonstrated the opposite: autonomous living, independence from men, free speech, self-dictated movement and action, political interests and decision-making. In her voluminous writings, by contrast, her commitment to *varnashrama dharma*, non-revision of the marriage age for women, opposition to property inheritance for them, and even a pro-*sati* position, was very striking. Why did she, and indeed other women like her, who are seemingly active agents in their own lives, consistently promote male ideology? Because they wished to be accepted within the system, and adopted what seem to them the only permissible ways to be active. But also because of their economic dependence; even for a widow with no private ambitions, it was men who were the donors for her public work' (p. 170).

The personal histories of other women who led the Arya Mahila Vidyalaya, especially those widows who had some independent means, speak a subtly different language. They asserted the right to education of girls so as to prevent other women from their community experiencing dependence and conformity – and to receive protection in case they were widowed in childhood. This remained the most powerful argument for girls' education. They also projected the image of being saintly or otherworldly, upholding the dignity of their family and community. It is this public image that provided them the legitimacy to redefine gender relations and speak out in favour of women's education. These schools were modern in as much as they created opportunities for women to become doctors and teachers, even lawyers. In their own way, these women were pioneers and reformers. They created space for women's education without overtly challenging patriarchal values.

The thread running through the book is the gradual change from pre-colonial education to colonial education in the specific context of Banaras. Though the narrative is interesting, the theoretical and conceptual debates are forced – especially in the introductory and concluding chapters. The canvas is much too vast and varied to lend itself to neat theoretical abstractions. The point about the failure of the modernising project remains laboured and cannot be deduced from the narrative. This is particularly true for the concluding remark – 'The efforts to create new "Indians" who were both "civilised" in a familiar sense and scientific in the new sense failed not because of the blindness of nationalism, the weakness of the bourgeoisie, or the self-satisfaction of tradition. It failed because the adult did not discover the child at the appropriate time' (p. 204).

In general, rural India and traditional Indian society, even today, does not approach the child as the West does. This, of course, takes us into an entirely different terrain – perhaps another book!

Vimala Ramachandran

CULTURE, SOCIALIZATION AND HUMAN DEVELOPMENT edited by T.S. Saraswathi. Sage Publications, New Delhi, 1999.

WE live in an age of specialization and publishers are no exception. Sage Publications has, in the past few years, blazed its own trail in the social sciences. The series, Qualitative Research Methods, has consistently provided readings in non-experimental, non psycho-metric methods of research, evoking diverse approaches for social inquiry. It has served to underscore the importance of ordinary experiences in shaping

human behaviour by emphasizing the value of every-day encounters and conversations.

The present volume, *Culture, Socialization and Human Development*, is unique in more ways than one, with its multi-disciplinary perspective, inter-regional research presentation and cross-disciplinary dialogue. The different essays, based on presentations at a symposium on Socialization in the Indian Setting, focus on the multiple reality of the child.

The chapters are held together by a common regard for the very distinct nature of social interactions that give cultures their distinctive character. The authors draw attention to the recognition of differences in contexts that is often a sufficient condition to savour the plurality of human experience. The readings are informative and useful, with the empirical descriptions emphasizing the socio-cultural diversity that makes up the reality of an Indian child.

The first section of the book focuses on methodology, using varied pathways to analyse human reactions – from autobiography to nursery rhymes to classroom ethnography. The first three chapters describe simple approaches to understanding childhood experiences – through the written word, gauging the culture-specific meanings of childhood through folkloric interactions, and by observing group behaviour in formal settings like the school.

The essays in this section present contexts of everyday experiences of children in relation to socio-cultural practices like the hierarchical student-teacher bond, traditional adult-child roles, playful contexts of infant games and nursery rhymes (restricted only to Bengal in this case). Krishna Kumar provides inspiring insights, opening channels for the use of ethnic literature as a resource for a systematic analysis of the social-historical space accorded to children. Many writers have marvelled at children's perceptions and inherent skills in simplifying ostensibly complex dilemmas of class-caste struggles, prejudices and stereotypes. 'Recall of childhood and reliving childhood' is often the key to sensitizing the agency of the socializer.

The five chapters in section two largely discuss the forces influencing and nurturing growth in the domains of language and cognition. Of these, two chapters explore the research on language and cognition. Mohanty et al. reflect on competencies of communication in multilingual contexts, issues relating to the politics of linguistic domination which creates conflicts when crafting a cultural identity. Of special interest is the discussion on children's requirement for learning the specific language and codes relating to situations like the school or the playground. The following chapter is based on Chaudhary's ethnographic work, and emphasises that the socialization process is more culturally constructed than determined. The identifiable patterns in caregiver practices in the Indian context show how the child is engulfed into a world of relationships with the communication directed for people.

In what perhaps is one of his last essays, the late Durganand Sinha, a leading figure in Indian psychological research, analyses the theme of cognition and culture. He points to the significant role of broader socio-cultural processes in the socialization of Indian children without diluting the unique experience of individual families.

Section three and four focus on research related to perspectives on gender. From comprehending the links between learning and the environment, the reader is led to the social dimensions of gender. The chapters present a pluralistic context and approach, given the varying perspectives of the authors, in turn influenced by their respective disciplines – anthropology, philosophy, psychology, education and child development. Despite the generic solidarity of approach, the authors are governed by the ways in which their specific discipline define their research styles and levels of cultural sensitivity. The discipline-based discourse on themes is in itself vastly enriching. The five chapters provide a wide terrain, from socialization for gender roles to an analysis of the negotiation skills of women under continued patrilineal dominance. It is of some interest that 16 of the 20 contributors are women. The editor's reference to *Growing up Male* is not just an explanation of the ostensible female bias in interpretation, but is an attempt to promote thinking about 'alternative' paradigms for socialization.

Moving from explorations of cultural experiences of gender to the strengths and limitations of adversity is a difficult leap. The underlying theme is sensitization to the child's competencies and tribulations. Sharma and Sharma discuss the supportive role of the family in building children's coping mechanisms in situations of adversity. The paper draws on several research studies of children growing in difficult circumstances. Though the discussion on vulnerability is often tempered by foregrounding the inherent resilience among people, and this may seem like legitimizing poverty, one hopes that the poignancy of human experience will not escape the attention of the policy-makers.

The final two chapters discuss the social processes influencing responses to physical and mental health problems. Srinivasa Murthy's article provides a compendium of research and support on mental health issues in India. It is a deeply reflective essay with important lessons for practising therapists, particularly those relating to the special place of the family in India. He points out how 'the care of the mentally ill has come full circle from family care to institutional care to family care. The emphasis must be to strengthen the family.'

The merit of the book lies in its effort to create a space for inter-disciplinary perspectives, culture-inclusive analysis, as well as in its consistent search for exploring the flexible limits of such a culture-specific entity for understanding the socialization patterns of the young. The readings are a culmination of the deliberations of the seminar, including comments and reactions of the participants. Part of the unstated agenda was to create a body of literature based on people's reflections on their own socio-historical traditions. The preface and the introduction frames the intense dialogue involved in the evolution of this collective project, the primary intention of which is to sensitize child development professionals to global perspectives and national interests.

This volume will prove extremely useful to students of child development, sociology and psychology; perhaps it could also provide counsellors with a modicum of self-reflexivity given its sensitivity to indigenous knowledge building and promotion of innovative modes of comprehending human behaviour.

Asha Singh

THE CULTURAL DIMENSION OF EDUCA-
TION edited by Baidyanath Saraswati. IGNCA and D.K. Printworld, Delhi, 1998.

THE tragedy of education in this country is reflected in the near complete absence of serious scholarship on it. The present volume is edited by Baidyanath Saraswati, one of the few Indian anthropologists with the courage to be original. And yet, it is under his name that the IGNCA and UNESCO bring out a book marked by an absence of theoretical rigour.

A major virtue in this edited compilation of papers drawn from a seminar held in 1995, is the bringing to a wider audience little-known efforts at holding fast to a vision of education larger than that commonly

encountered in these times of liberalization and globalization. We have inspiring descriptions of extraordinary grit and effort, of people working for decades to infuse something more than mere worldly knowledge in education. Of course, it is depressing that they must reach us only through a book sponsored by UNESCO, that too priced at a steep Rs 700.

For Baidyanath Saraswati, the fundamental dilemma facing Indian education today is that of choosing between 'traditional' and 'modern' forms of education. The former ostensibly focuses on social, cosmological and technological awareness. Modern education, on the other, is portrayed as teaching self-centred consumerism, feeding a mad, destructive desire to conquer nature. It is said to lead to the fragmentation of people through competition and specialized technical vocations. Such a conceptual opposition leaves something to be desired. Surely there is no single, homogeneous, monolithic tradition or, for that matter, modernity. The tradition Saraswati and some of the contributors to this volume would like to celebrate is primarily a brahminical one, with its strong caste hierarchy and gender oppression. The modernity he opposes has, on the other hand, indisputably contributed to many liberatory movements in India. Indeed, to even compare the philosophical tenets of one construction of tradition with the worst practices of the post-colonial educational system is itself inappropriate.

At a time when educational planning discourse is often limited to setting up technological and managerial institutes, the articles come like a breath of fresh air. They remind us that education is about much more than making money and getting a visa to the USA.

The greatest educational reform movement in modern India, Gandhiji's Nai Talim, has a powerful presence in the book. It underlies most of the initiatives described, from the charming little kindergarten in Indonesia which was set up under the inspiration of Gandhiji's writings, to Devi Prasad's outline of how Nai Talim emerged as the official policy of the Indian National Congress.

The Gandhian, Dwarko Sundrani, gives an impressive account of over 30 years work in setting up schools in the Bodhgaya region of Bihar. The realities of power in the village emerge when he describes how he was stopped by a landlord and his goons from taking a Dalit boy to study in his school. The boy's family owed the landlord money who was afraid he might lose a potential labourer. It was only when the naxalites took over the village that the boy began to

attend school. Sundrani's organization now runs schools in 86 villages and teaches children respect for their local culture, to sing and dance, and trains them in agriculture, dairy farming, farm mechanics and masonry.

There is an irony, though, in the way Nai Talim surfaces again after so many years in books like this. It was the class character of Indian society that destroyed Nai Talim. Everybody was willing to pay lip service to the needs of the poor, but no one wanted their children to study in schools that taught agriculture and the manual crafts. Our educational planners and administrators replaced it with a curriculum more suited to middle class aspirations. Naturally, a volume of this kind steers clear of any discussion of how education may contribute to the reproduction or transformation of structural inequalities in our society.

On the other hand, there is a good deal of emphasis on the importance of teaching art. The state of education in India is such that even this move would today be welcome. Nita Mathur discuses the benefits of children learning to dance. Ravi Chopra describes his experience in teaching various groups of children, both from underprivileged and public school backgrounds, the use of photography for self-expression.

Several others write with great depth of feeling about the importance of the artistic mode of education for life.

Shakuntala Bapat and Suman Karandikar describe the socialization of children in three Maharashtra schools, showing the contradiction with the kind of learning that schools impart. However, one wishes they had paid more attention to the construction and reproduction of inequality. The final impression one is left with is of sweet village brotherhood and the absence of oppression and inequality. A similar glossing over of caste is seen in Saraswati's own discussion of 'traditional' education in Kashi. Only rarely does his definition of tradition go beyond the brahminical one, briefly touching only on Islam here and there, which too is dismissed as inward looking. Does he really consider Kashi brahminism as outward looking?

The book may best be seen as a series of acti-vists' reports about their effort at keeping alive the flame of a broader, more noble and profound vision of education. Presented as an anthropology of education, though, it falls flat. Surely one is entitled to expect greater rigour from the pen of an anthropologist of the stature of Baidyanath Saraswati.

Amman Madan

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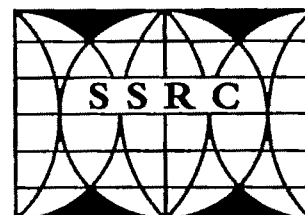
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In memoriam

Arvind N. Das 1949-2000

THE late '60s were a unique period in our social history. And while scholars may quibble over the significance of Naxalbari, the peasant rebellion dramatically altered the social orientation of many of our young students and teachers. Rarely before, or since, at least in post-Independence India, had otherwise comfortably placed students taken the cause of the underdog to heart. Among those who were permanently marked by the experience of the 'spring thunder' was Arvind N. Das.

His first serious intervention in public affairs came while still a student at St. Stephen's College in Delhi. As Secretary of the College Union, Arvind with compatriots like Rabindra (Lallu) Ray, Dilip Simeon, Rajiv Kumar, Shahid Amin was responsible for shaking up the cloistered academe through organising study circles, printing and distributing 'subversive' literature, organising plays – in brief, bringing the struggle in the countryside to the doorsteps of a cocooned elite. And unlike most, who after a short period of exuberant involvement, returned to the fold, Arvind (and some others) went off to the field. Thus started his career as the 'outsider'.

Though trained as an academic historian, Arvind in each of his institutional incarnations, stretched the boundaries of history writing. Claiming allegiance to both D.D. Kosambi and E.P. Thompson, he drew upon a multitude of sources and methodologies to present 'engaged social history'. His early years at the A.N. Sinha Institute in Patna saw the crystallization of the 'Red Brigade' of journalists. The group, from seniors like Pradhan H. Prasad to younger colleagues like Nirmal Sengupta, Hiranmoy Dhar, Arun Sinha, Arun Ranjan, T. Vijyendra and Kalyan Mukherjee, provided the most insightful commentary on the state of Bihar in journals like *Frontier* and the *Economic and Political Weekly*.

His subsequent involvement with the National Labour Institute (NLI) and the Public Enterprise Centre for Continuing Education (PECCE) resulted in the focus enlarging from the deprived peasantry to the urban under-class. Both the Future of Asia conference (1981) and the research project on Trade Unions and the Labouring Poor in India owed much to Arvind's infectious enthusiasm and bewildering range of contacts. So does much of our subsequent interest in the problem of bonded labour.

While maintaining his links with formal academic institutions – Centre for Social Studies, Surat; Asian Development Research Institute, Patna; Centre for Asian Studies, Amsterdam, Arvind moved more directly into mainstream journalism. As Senior Editor in *The Times of India* and Research Director for its sequecentennial series of publications he put together an interesting group of younger writers, designers and communicators. This phase also saw his involvement with CENDIT, one of the pioneers in the use of AV and video technology for social communication and transformation.

After leaving the TOI in somewhat acrimonious circumstances, he along with some friends, set up the Asia Pacific Communication Associates (APCA) to make television programmes (both news analysis and documentaries). His greater passion, however, was reserved for *Biblio*, one of our best book review journals.

Throughout his short and intense career, Arvind remained an engaging, endearing, though somewhat controversial figure, probably because of his intrinsic impatience with institutional norms and boundaries. His many books and research papers, newspaper writings, TV commentary and documentaries, as also his interactions with students and activists, amply reflect his unusual experience and wide reading.

All through, his passion about Bihar and the labouring poor remained undimmed. His latest offering, *Down and Out: Labouring Under Global Capitalism* with Jan Breman and photographer Ravi Agarwal bears adequate testimony to his concern for equity, and a belief that some day the toiling masses will win their proper place in society. Equally, unlike many who have given up on Bihar as a 'dark hole', Arvind's conviction about his native state never flagged. 'Bihar is not only the second biggest state of the Republic, it also occupies the space where the very heart of India is located.' His book *Changel*, a social-history of his village, shows how, despite making his mark in a metropolis, Arvind's heart remained true to his birthplace.

His unexpected death in Amsterdam has snatched away a rare social commentator of the times. At a time when 'commitment' and 'engagement' are somewhat undervalued qualities, not having Arvind around is a bad blow.

Harsh Sethi

Comment

Violence of politics and the politics of violence

'West Bengal is something of an exception in India's contemporary political landscape. Whereas many states have experienced political instability over the past two decades, West Bengal has been relatively well governed since 1977 That stability has been remarkable because it has not been the result of low levels of political mobilization; West Bengal probably was India's most politically mobilized and chaotic state in the 1960s. West Bengal's restoration and maintenance of political order naturally direct our attention to the issue of how growing crises of governability can be reversed.'

Atul Kohli, 1991[1]

THE above contention no more holds true in 'absolute' terms. West Bengal is about to go to the legislative assembly polls in less than a year (early to mid-2001?), and it is being widely conjectured in the media within and outside the state that this election would be especially violent as there are 'chances' of a change of guard in Left Front ruled West Bengal for the first time since 1977.

1. Atul Kohli, *Democracy and Discontent: India's Growing Crisis of Governability*, Cambridge University Press, Cambridge, 1991, ch. 10, p. 267.

Whether incited by such popular speculation or not, the general law and order situation in West Bengal has been 'adversely' affected to create governance problems. The situation has become so critical that the Communist Party of India (Marxist), the LF's Big Brother, has now demanded that the Trinamul Congress supremo, Mamata Banerjee, be immediately arrested for rabble-rousing while the Opposition has, in its turn, even pressed for imprisonment of the Chief Minister, Jyoti Basu himself – this is indeed a rather disquieting state of affairs.

The CPM has even lashed out against American Consulate officials visiting violence-affected Nanur in Birbhum district while Mamata Banerjee described her rally at Chamkaitala in Midnapore district as the Second War of Independence (9 August 2000) against the state government. General terms of political discourse in West Bengal are changing fundamentally, and civil society in the state has to now interface with a certain language of politics that is bereft of the traditional Bengali cultural baggage.

It is true that the Bengali *bhadralok*[2] had generally helped institutionalize a 'tradition of unorthodoxy'[3] since the days of undivided Bengal. This is

2 See John H Broomfield, *Elite Conflict in a Plural Society. Twentieth Century Bengal*, University of California Press, Berkeley, 1968, for both conceptual and episodic treatments of the Bengali *bhadralok*

3. See Marcus F. Franda, 'West Bengal', in Myron Weiner (ed), *State Politics in India*, Princeton University Press, Princeton, 1968, p. 249.

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perceived in the archetypal Bengali *bhadralokian* psyche and lineage of anti-establishment, left-of-centre politics since the days of India's national liberation movement. But whatever is happening in the state today is quite unprecedented in terms of political violence, with the probable exception of the brief Naxalite movement (late 1960s-early 1970s) that was radical(?), iconoclastic and somewhat 'non-sensitized' to its clientele among the tea plantation labourers in North Bengal. This movement, in the course of its excesses, was eventually removed from *bhadralokian* support.

However, it must also be added that 'progressive' public opinion in West Bengal was outraged at the coercive manner in which Siddhartha Shankar Ray's Congress government dealt with this movement. 'Their (the Naxalites) attempts at making short work of the revolution had the paradoxical impact of strengthening the forces of counter-revolution.'[4]

The CPM now alleges that the TMC and its uneasy electoral ally, the Bharatiya Janata Party, are allied with big landowners/*jotedars* – this 'reactionary' class equation is responsible for the disturbing spate of agrarian violence in districts like Midnapore, Bankura, Hooghly and Birbhum, to cite just a few instances. The TMC denies this, however, arguing in turn that it is the ruling party that has its back to the wall, and is desperately fighting a strategic battle of position(s) to continue in office even after the next assembly election in West Bengal.

If the bourgeois print/electronic media reports[5] are to be given any credence and their contents analyzed, one would come to the conclusion that this agrarian violence is, after all, being provoked by the possibility of a change in the Left Front regime in West Bengal. While the ruling party-led coalition is fighting a battle of dispossession the Opposition is intent on proliferation – and everything is happening rather 'thick and fast' in rural Bengal where, according to the West Bengal government, land redistribution since 1977[6] (the late Benoy Krishna Chowdhury-led 'Operation Barga') has almost reached its logical culmination.

Dwaipayan Bhattacharyya, however, disagrees, and points out that, 'The CPI(M) excelled in what may be regarded as the 'politics of middleness... Irrespective of its claims to the contrary, the CPI(M) has brought about a gradual de-radicalisation in the character of redistributive reforms in rural West Bengal over the 1980s.'[7]

This is not to suggest, however, that the cities in West Bengal are any more safe. There was a lot of violence during the by-poll in the recent Salt Lake City civic polls (June 2000) in the neighbourhood of Calcutta. The CPM scraped through by a single seat majority here. The Calcutta Municipal Corporation, however, was wrested by the TMC from the Left Front; this election was also marked by 'severe' irregularities, according to the media. Compare this with incidents of violence against newspersons[8] in the Uttarpara civic polls in Hooghly district (August 2000) where the TMC won by a considerable margin. Such incidents of rural and urban violence are indicators of non-governance in the state, and able analyses of such problems of rule are required if the situation is to be somewhat salvaged.

The background to this political violence was in the making quite sometime back. The CPM state committee came out with a draft resolution[9] in the not-so-recent past where it was admitted that the performance of the Left Front had deteriorated during the period 1987-1997 in West Bengal. This document also conceded that a 'downhill' slide in governance was quite evident in West Bengal after the tenure of the first two Left Front governments (1977 and 1982) in the state. This resolution also criticized the lack of coordination in the cabinet as well as in the government.

Apart from the immediate news reports of fresh violence from different areas of West Bengal, another 'more' important issue is at stake. This concerns the state's level of political culture. The Bengali *bhadralok* as a social category was more or less secure in its cocoon of 'high' culture. But the political events of the state are fast proving beyond reasonable doubt that West Bengal is perhaps no more superior, in terms of governance, even to Bihar, the constant reference point of the present Left Front government.

But all this is part of a larger reality. West Bengal is now passing through the 'doldrums', so to say.

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4. See Apurba Mukhopadhyay, 'The Left in West Bengal: Government and Movement, 1967-1982', in Rakhahari Chatterji (ed), *Politics in West Bengal: Institutions, Processes and Problems*, World Press, Calcutta, 1985, ch. 4, p. 95.

5 See newspapers like *Anandabazar Patrika, Bartaman* (in Bengali), *The Statesman, The Telegraph* and *The Asian Age* in this connection.

6. See, for related insights, Ben Rogally, Barbara Harriss-White and Sugata Bose (eds), *Sonar Bangla? Agricultural Growth and Agrarian Change in West Bengal and Bangladesh*, Sage, New Delhi, 1999.

7. Dwaipayan Bhattacharyya, 'Politics of Middleness: The Changing Character of the Communist Party of India (Marxist) in Rural West Bengal (1977-90), in *ibid.*, part 2, ch. 10, pp. 279-300.

8 This led to debates in the Union Parliament and protest demonstrations in Calcutta.

9. See *Anandabazar Patrika*, 3 December 1997, pp. 1 and 8

Limited employment opportunities, an indecisive pace of industrialization made worse by a much-criticized education policy (leading to a flight of human resource from the state), little or no health infrastructure and, finally, limited visions of a leadership that cannot perhaps problematize and coordinate liberal democratic decentralized governance with the basic tenets of democratic centralism.

'The point that is driven home here is that the self-governing institutions such as panchayats and municipalities, or for that matter, popular participation and self-governance, are incompatible with the omnipotent presence of a hierarchically organised and centralised communist party. One can mobilise others, but cannot become the substitute for others' participation which is an activity valued in itself. The notion of grassroots democracy cannot then, truly be accommodated within the discourse of communist modernity which is dominating.'[10]

So West Bengal's history of rule since 1977 till today is largely an account of the CPM's attempts to expand its support base, proliferate its mass organizations and develop the networks of patron-client relationship among the state government employees, trade unions, the intelligentsia and academics, the panchayats and cooperatives, big business (a much later trend), banking and finance institutions and other similar interest/pressure groups. The Left Front governments and the CPM were gradually fused as a 'monolithic' identity in the process.

Harihar Bhattacharyya has interrogated the near absence of democracy at the grassroots in West Bengal and holds both the CPI(M)'s style of local-level governance as well as the 'conceptual inadequacy of the masses' responsible for such a state of affairs.[11] Prabir Das Ghosh notes that the Left Front government's attempts at cooperative mobilization coupled with rural development measures are not isolated phenomena from the viewpoint of left politics. Ghosh adds that the Left Front has utilized all the cooperative institutions, politicized panchayats and other left-led peasant organizations as instruments of politics and of rural development.[12]

Subrata K. Mitra cautions that, 'If the wielders of power concede the point to those who challenge established values and norms, they risk losing their legitimacy. On the other hand, the failure to give satisfaction to the discontented might deepen their sense of outrage and alienation which can further reduce their legitimacy.'[13]

It cannot possibly be true that West Bengal's rulers are entirely lacking in political goodwill or administrative competence; perhaps they cannot effectively implement their collective vision of progress/stability in the state. Moreover, the Bengali civil society lacks a dynamic public sphere (since the days of the Naxalite movement that was prematurely aborted and had, in its turn, effected a paradigm 'shift' of sorts in the mainstream Bengali ethos) that could have meaningfully cohered a political dialogue with the state apparatuses.

Nobody can anymore think of a Brave New World in West Bengal; this has, in effect, actively discouraged the evolution of a creative civil society-state interface in the state. Perhaps the reasons are not too difficult to seek; today's political violence reminds one of the last days of the Siddhartha Shankar Ray-led Congress government in West Bengal[14] when Congress 'absolutism' had reached a climax of political perversion.

The Emergency (1975-77; a brain child of Ray among others) had been imposed, and Opposition in West Bengal was sought to be gagged by press censorship, political violence and police repression. But democracy 'bounced back' with the first ever Left Front government being elected to office in the state. It was now 'politics as usual', informed (at least partially) by an essential bhadralokian ethos. In conclusion, this much can be cautioned that those of us who tend to forget history have generally been 'condemned' to repeat it – only time would prove whether history has come a full circle in West Bengal since the 'euphoria of deliverance' of 1977.

Prasenjit Maiti

10 See Harihar Bhattacharyya, *Micro Foundations of Bengal Communism*, Ajanta, Delhi, 1998, p 186.

11. Harihar Bhattacharyya, 'Democracy and Rural Governance in West Bengal Since 1978', in Sobhanlal Datta Gupta (ed), *India – Politics and Society, Today and Tomorrow: Essays in Honour of Professor Amal Kumar Mukhopadhyay*, K.P Bagchi, Calcutta, 1998, pp. 227-240.

12. See his unpublished doctoral thesis (Burdwan University, 1998), 'Rural Cooperatives, Left Politics and Rural Development in West Bengal Since 1977· A Case Study of the District of Burdwan', p 268

13 Subrata K. Mitra, 'Legitimacy, Governance and Political Institutions in India After Independence', in Mitra and Dietmar Rothermund (eds), *Legitimacy and Conflict in South Asia*, Manohar, New Delhi, 1997, p. 23

14. During the first half of the 1970s, the so-called decade of liberation; this was because of the Naxalite movement

Fundamentals of nature protection

WE need to protect nature for our very survival. To do this we first need to know the ways of nature, both in general and in the given climatic condition of one's habitat, in particular. The grasp of nature's technology gives the conviction that working in harmony with nature yields far greater dividends than application of force or violating her laws. It also provides clues to processes promoting less expensive, sustainable deve-. lopment and universally shared prosperity.

Unfortunately what dominates is the opposite approach – of managing and *controlling* nature before even trying to know her ways of working. Virtually all 'developmental' activities organised by the state and elite lead to destruction of natural systems – the energy use pattern, choice of technologies for generating the predominant forms of energy, 'modernist' farming technologies, high-entropy-energy-based industrial and transport systems, and resource-depleting architectural patterns. Yet, for each of these there are eco-friendly and sustainable though less glamorous alternatives.

The ecological methods of farming are already more productive per unit of expenditure. In other spheres too, knowhow has advanced enough to warrant a phasing out of the old 'nature-conquering' technologies. But the mesmerizing influence of the western elite paradigm remains strong. Given the drive of both the state and political parties towards western-inspired eco-destructive development in the name of modern-
- ism, legislation for nature's protection can at best be a palliative, and at worst, a cover-up for destruction.

Some questions need to be faced: Why have we not overcome the hypnotic influence of the western model? What are the forces at the deeper level that drive towards nature-destruction, even though there is an overlay of consciousness at the national level that nature protection is essential for survival? The answer is: there are several blind spots in our politico-economic-technological thinking, each with lethal consequences. Five such blind spots are mentioned below.

One, disregard of the distinguishing characteristics of our part of the globe. Ours is basically a tropical climatic system, very different from the one in mid-latitude countries. This means that our basic resource systems are different; the manner of working of our life-support system is different. Our soils are poorer in organic matter with little capacity for absorbing inorganic nitrogen. Our rainfall is limited to three-to-four months a year and is mostly torrential while in the mid-latitude countries it is fairly evenly distributed throughout the year, mostly in soft drizzles. Our winds are fitful and low in velocity except during tropical cyclones. Pollination in tropics is more insect than wind-borne, which means biological agents play a greater role. The nutrients are mostly stored in the trees in the tropics whereas in the 'temperate' countries these are mostly in the soils.

It seems as if nature has devised this storage system for the tropics to prevent the nutrients from being washed away under the regimen of torrential rains. The biodiversity in the tropics is immense. Nature here has found stability in a much longer chain of interconnectedness. Hence, when we apply 'nature-conquering' technology in imitation of the West, the repercussions of the breaches in the chain spread far and wide. Nature-conquering technology in any climatic zone is harmful. But in the tropics it is far more ruinous and its adverse effects are visible in a shorter time-span.

As against the several disadvantages marking the tropics, nature has given us compensatory benefits. The lightning and thunderstorms from tropical skies rain down much higher quantities of nitrogen for the crops; the nitrogen-fixing bacteria in the tropical soils are more abundant; earthworms and other organisms, which are nature's fertilising agents are plentiful; blue green algae and the soil-enriching floating ferns are abundant. Hence cropping in the tropics requires soil-organism-friendly technologies. Notably, till the middle of the 19th century, Indian agriculture was the most productive *in the world* because it was most ecological. 'Modernist' sceptics may find it difficult to believe, but the testimonies of Colonel Alexander Walker in 1820, of Dr. Wallick, Superintendent of East India Company's Botanical Gardens in Calcutta in 1832, of Dr. Voelcker, a consulting chemist with the Royal Agricultural Society in England in 1889 are eloquent in this regard. The British rulers ruined this glorious agriculture and dimmed people's memory of our native tradition. Our nationals too became blind to the positive aspects of our heritage and saw 'oriental backwardness' in everything and started treading the path of 'rape of nature' whose lure has not yet ended.

Two, decimation of nature-given infrastructure for life's sustenance to build up infrastructure for commercial civilisation. Forests are the most basic among the biospheric resources and are verily the *base camp of oxygen-dependent forms of life's journey on this planet*. It is only after vegetation appeared to absorb the pervasive carbon dioxide in the atmosphere and to

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release oxygen that aerobic forms of life, i.e., most of the species that now inhabit the earth, came into existence. By whittling down the forest's primacy in the nurture of life, current development processes make forests the first casualty – to site industries and adjoining townships, to resettle oustees and refugees, to do mining, to settle the growing population, and to extend agriculture. These could be avoided if only three fundamental facts were remembered (*i*) Forests are the common regulator of the state of air, water and soil. (*ii*) Forest is the foster mother of agriculture in perpetuity. (*iii*) Among the forests, the tropical forests are the most important; these being vast reservoirs of genetic resources, endowed with the greatest potential for curative and productive processes of the future.

Among the tropical forests, the moist evergreens are the most precious resource and the greatest releasers of oxygen as well. Most of India's evergreens have been already destroyed. Luckily, substantial portions still exist in Arunachal Pradesh, the Andamans and the western face of the Western Ghats. Littoral and swamp forests – among which are mangroves – too have been largely destroyed and the effects of which can be seen in the repeated ravages of oceanic cyclones in Andhra Pradesh and Orissa.

Three, overlooking the unique characteristics of the Himalaya has led to enormous destruction and holds the threat of yet greater destruction. What is barely recognised is that the Himalaya has protected us from the icy winds blowing from the North and the hot winds blowing from the deserts of West Asia. What has not been recognised is that it is the youngest as also the tallest mountain system in the world, which is still growing; this imposes rigorous obligations on man. Being the youngest, its rocks are uncompacted and erodible. Being the tallest, its rocks inevitably hurtle down with a terrific force under the impact of rains unless *every inch of its space is covered with dense forest with strong rock-binding roots.* Yet, the Himalaya has been largely deforested, making the *rivers of North India the world's most siltation-prone* waterways and thus placing this entire region under the regimen of high floods during the rains and water scarcity during the rest of the year.

The continuing process of mountain-building has meant that it has been throwing up intensely deformed belts in its ranges. Constructing big dams in this hyperseismic zone is extremely hazardous. Lacking this awareness, Bangladesh has proposed that India, instead of seeking a Ganga-Brahmaputra link canal through their country, should build a series of large reservoirs in the upstream course of the Ganga, at high elevations in India and Nepal; India's unwillingness has led to bitterness between the two countries. But India's own plan for building a big dam at the elevation of Tehri has all the promise of triggering off an earthquake and a dam burst which can wipe out millions in the downstream region. This is inviting destruction, a far cry from nature protection.

Four, ignoring river dynamics has led to disasters and is paving the way for all-round destruction. Imitating the USA's Tennessee Valley project and getting infected by dam building craze of the US Corps of Engineers, which later came to be called 'big dam tomfoolery' in their own country, our political leaders and engineers have developed a craze for big dams, which are very different from check dams. In all high-rainfall areas, despite flood control as one of the objectives, these have become promoters of big floods and other kinds of trouble.

Recently, at a public hearing, people from six districts of West Bengal assembled to describe how the Damodar Valley dams, which had conjured up visions of prosperity, have turned out to be a source of sorrow. The dams in upper Damodar have reduced its seven tributaries to a moribund state, more like storm-water channels. Where the main Damodar and its tributaries (all sizeable rivers) used to overflow their banks every year, supplying gentle fertilising silt-bearing water to the flood plains, people now experience on-rushing floods which leave behind sand deposits.

Millions of people are being forced to move their homes over and over again. Collapse of river banks has increased manifold. Sedimentation of river beds has also increased, aided by the triple processes of bank erosion, topsoil washings from a wider landscape, and flood-tide-borne sands from the sea-shoals which the enfeebled releases from the dammed Damodar cannot flush out. This has choked the main drainage channel of West Bengal and sealed the fate of Calcutta port. To save the port, Farakka Barrage was constructed. This, in turn, has caused uninterrupted sedimentation upstream of the Barrage, increased drainage congestion and flood intensity, and accelerated the erosion of river banks.

The DVC dams and Farakka Barrage are not lone examples of failure of objectives. Everywhere disaster is creeping in. The ecological alternative was to densely reforest the mountain and hill ranges, to build half-a-mile-deep forest on both banks of every river from its source to the outfall, with provision for sluices at regular intervals and to dredge/re-excavate the river.

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This would have minimised the rivers' change of course and the collapse of river banks. It would have increased upland water supply throughout the year, cleared drainage congestion and improved navigability. Instead, the solution was, and is being, sought in grossly interfering with the hydraulic and sedimentological parameters of the river. The results cannot but be disastrous.

The Bhakra dam, located in a low-rainfall area, built for irrigation and electricity, is often acclaimed as a success. Only now is its seamy side – waterlogging in vast areas, paucity of water supply to downstream municipal areas, the poison-loading of groundwater caused by intensive chemical fertiliser use which dam-induced flow irrigation made possible – becoming public knowledge.

Nature protection is not possible by banishing common sense. Common sense says that if a river, which is usually 20-30 ft deep, is made to yield place to a dammed reservoir 1000 feet deep and 15 square kilometre by circumference, the self-flowing, self-purifying river transforms into a still-water lake and that this makes the remaining river lifeless. Yet, our scientists and engineers fail to see that a mega dam invariably kills the river. It does this by quickening the sedimentation process downstream. It reduces the tail-end of the river to a lean flow, thereby making possible the ingress of salt water into the delta. It ruins the estuary where the mingling of fresh water and salt water produced a churning process to generate a vibrant growth of various species of aquatic life, the means of subsistence of humans and other animals. By impeding the river's capacity to carry the toxins to the sea, it causes salt and toxin build-up in the river basin. The fluctuations in discharge from the dam gives shocks to the river and increases bank erosion. While containing the small floods, it inexorably promotes periodic big floods.

Five, like the efforts to unnaturally control rivers, efforts to control nature in farming systems have proved destructive in the past, If we succumb to the lure now being dangled in the form of trans-species genetic engineering and modified organisms, we will become victims of biological holocaust. Chemicalised farming in the name of 'green revolution' has greatly undermined the innate fertility of our soils', polluted our surface, and groundwater causing drinking water scarcity for humans and other animals; loaded our food crops with poison, destroyed the genetic diversity of crops and cattle, and has driven small farmers to ruination. It is only when the American and the European science academies pointed out that the chemical

fertilisers and pesticides were causing testicular cancers and steady decline in sperm count in the males and breast and ovarian cancers in the females, that the 'revolutionaries' partially retreated.

A view often expressed is that in the given condition of the times, with the USA's threat of stopping of PL 480 wheat supply, chemicalisation of agriculture was necessary. This is false. If, in present condition of worse soil fertility, farming with organic manure and earthworm castings can produce equally bumper crops with desi varieties, ecological methods of integrative (polycultural) farming, in which the waste products of one become food for another, could certainly have resulted in greater success then. The sad truth is that our leaders were lured by western scientism. They forgot that in dealing with soil, water, forests and living systems in general, nature-harmonic ways are the best, and that India's traditional culture, including agriculture, provided the best basis.

The current temptation for transgenic genetic engineering is far more dangerous. The 'bright' idea is to transfer genes to unrelated species that do not interbreed in nature, such as inserting toad genes into potatoes or genes of some bacteria into crop plants. Insecticide producing gene from bacteria and viruses are being inserted into plants. In the state of Karnataka, the US company Monsanto, in the name of fighting Bollworm pest in cotton, inserted a gene from a soil bacterium, *Bacillus thuringiensis*, (Bt) into the cotton plant. The purpose was to convert the cotton plant into constantly producing insecticide from within its cells. No thought was given to the fact that although the mutation would thwart the existing strains of bollworm pests, it would poison all other insects, bees and birds. Simultaneously, it would pave the way for far greater mischief. A plant which releases poison throughout its growing life provides the greatest possible advantage for pests to develop resistance to it. Inevitably, cotton will be vulnerable again and new strains of Bt-tolerant super-pests will attack other crops like potato and maize as well, creating an all-round agricultural crisis.

Some giant western chemical companies, together with ambitious scientists eager to 'play God', are setting up yet another trap. To increase their share of the growing global market for herbicides, they are creating transgenic crops that tolerate their own company's herbicides. The purpose is to convince farmers that they can spray herbicides in any quantities to kill the weeds without the risk of harming their crops. The resulting increase in the use of herbicides will inevita-

bly lead to the weeds developing immunity and giving rise to super-weeds. This will introduce a new cycle of greater herbicide use to control the more resistant strains, causing far greater harm to the environment and all species of life. Nature protection and pursuing this kind of science cannot go together.
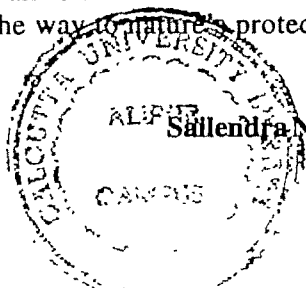
Space does not permit discussion of the horrendous effects of transgenic genetic engineering on humans and all species of life and nature. It needs to be stressed that transfer of genes from unrelated species can be done only through the agents of infection – bacteria/viruses which have the ability to carry infections across the species. Even naturally occurring bacteria/viruses will not do for this purpose because they lack the mechanism to superimpose their gene by overwhelming the plant's native gene. Hence several most infectious pathogens have to be combined to create completely new vectors and then splice the necessary gene into these vectors.

Without going into details, it can be said that (i) since the carriers of gene into our food crops will be bacteria, viruses and similar pathogens, the new genes are apt to *produce new toxins in our foods*; (ii) since no gene functions in isolation, the new toxins will spread across the food chain; (iii) since the genes, once released, cannot be recalled, they will have the potential to multiply and recombine with other infecting viruses uncontrollably for successive transfers; (iv) the foreign genes that force-integrate into the genome will also have the ability to jump out and re-insert in another site in other organisms. Not only will each of these dangers serve the opposite of the declared purpose, each will constitute a threat to life.

In conclusion, to protect nature, foremost attention needs to be paid to the study of nature's way of working; to keep unravelling the mysteries of nature in the knowledge that nature's intelligibility is inexhaustible but refrain from 'playing God'. This is because man, however inventive, can never ordain the co-evolution of all species of life which are interlinked and interactive. Consciousness must pervade that bounteousness is inbuilt in nature and that inquiries with utmost curiosity and reverence will show the ways of improving our conditions by finding new ways of harnessing nature's gifts.

For that the first task is to understand one's own environment in all its ramifications.

That is the way to nature's protection – and survival.

Sailendra Nath Ghosh

Backpage

THE announcement of awards is rarely greeted with approval, even if as prestigious as the Magasaysay. So widespread is the penchant of politicians to grab 'honours' and of selection committees to be afflicted by political considerations, that most of us have come to view these announcements with some measure of scepticism, if not derision.

In honouring Joachim Arputham of the National Slum Dwellers Federation and Aruna Roy of the Mazdoor Kisan Shakti Sanghatan, the Magasaysay Foundation has not only hit upon a set of winners, it has, inadvertently or otherwise, made a crucial intervention in our public affairs and political discourse. It has also helped restore much needed faith in the somewhat discredited vocation of public service.

Joachim, the organisation he represents, alongwith the cognate bodies – SPARC (Society for the Promotion of Area Resources Centre) and Mahila Milan – showcase the creative energies of a strata that few pin any hope on: slum and pavement dwellers. Particularly for our urban middle classes and decision-makers, this strata is seen as a troubling pestilence with every problem afflicting our cities – unauthorised occupancy of public spaces, filth, crime, disease and an unwarranted drain on civic resources – traced to them. Little wonder, the proclivity to shove them around, bulldoze their shanties and deny them basic civic rights so often meets with approval.

Joachim and his compatriots have over the years managed to strike a different path and thus won grudging respect. More than successfully demand civic services, security of tenure and observance of due process and human rights, the NSDF-SPARC-Mahila Milan combine have used research based constructive oppositionism to work along with municipal authorities and other official bodies to locate land for housing, design shelter, and promote savings and enterprise among their constituents.

They have the largest data base on slum and pavement dwellers. Those wanting to introduce a measure of rationality in urban governance seek them out because they have both credibility and the trust of thousands to involve them in the planning process. If Mumbai today manages to 'clear' the land around the Central Railway track, so desperately needed for expansion, without resorting to coercive high-handedness, it will be because the NSDF et al. have shown them land for proper resettlement and worked

hard at sensitizing policymakers to treat the urban poor with respect, as citizens. Urban affairs minister Jagmohan would do well to learn from this experience before embarking on his grandiose plans to beautify Delhi.

Aruna's story, or rather the story of the MKSS, is equally full of worthwhile lessons. Not just for their ability to bring together an unusual constellation of citizens – from the rural poor to the urban middle classes – in successfully spearheading the struggle for the right to information as a basic right (the current session of Parliament will be discussing The Freedom of Information Bill) but equally in asserting that citizens have a right to be consulted and involved in decisions of expenditure that impinge on their everyday lives, incurred supposedly for their benefit.

Starting from the small village of Devdungri in Rajasthan, Aruna and her associates, in particular Nikhil Dey and Shankar Singh, have helped spread the MKSS message and process to a wide range of groups across the country. The ire against corruption, more so in public bodies, is hardly new. And while there is talk about the anti-corruption bureau, the CVC, the CBI and the Ombudsman – these exercises are seen as at best affecting the upper strata. Never before had the struggle for transparency and accountability involved the common people. Even less had the poor any confidence that, once organised and armed with information, they could demand accountability from rulers, if not actively associate themselves in planing.

If in their tumultuous career, the NSDF and the MKSS have won over numerous individuals and organisations in their struggles, it is because more of us today realise that unless we shed our love for the sidelines and actively engage with the wider socio political processes, we will be fated to remain passive recipients of the activity of others. There is no shortage of self-proclaimed leaders with magic wands. What we lack is humility combined with enterprise, a desire to both learn and collaborate, to provide leadership without thrusting ourselves on others. Aruna (MKSS) and Joachim (NSDF) teach us that this is possible. And much as they might protest being mutated into icons, this 'honour' helps dispel widespread cynicism and defeatism, qualities that we could do without.

Harsh Sethi

the Information Highway
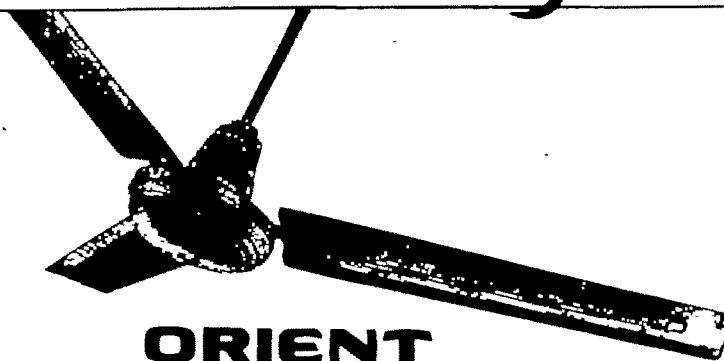## towards our village

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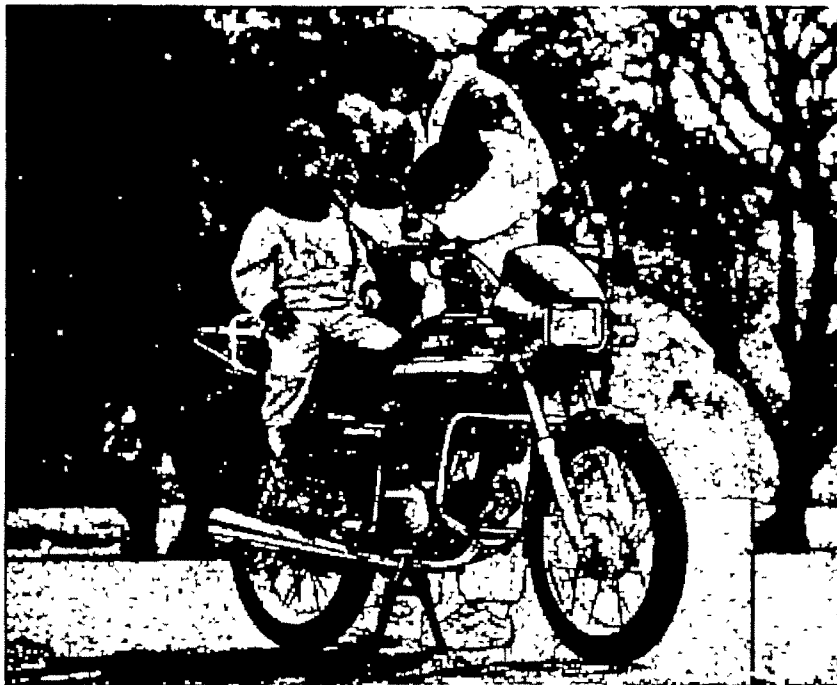
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UNVIABLE UNIVERSITIES

a symposium on

the crisis in

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The problem

WITH universities and other institutions of higher education significantly escalating user charges, apprehensions about 'privatization' of higher education have gripped our academia. Is this, as many fear, yet another fallout of neo-liberal policies advocating fiscal restructuring, this time affecting the university system? Though (surprisingly) these moves have (so far) not generated the expected howls of protests, particularly from student unions, the absence of a national policy governing the fiscal regime of the university remains worrying.

Few today would contest that our universities and colleges, including those imparting professional education, are in bad shape. Barring the rare exception, campuses across the country present a picture of breakdown – rundown and ill-maintained buildings, libraries without books and journals, laboratories without equipment, derelict classrooms, and the list can be extended ad nauseum.

Equally depressing is the intellectual environment, with teachers often not teaching and students not learning. Of course, the former complain of being ill-paid, saddled with unrealistic workloads and that too without adequate facilities, constrained by outdated and irrelevant syllabi, buffeted by an intrusive bureaucracy and politicians and, worse, denied the social respect they once enjoyed. Their critics, and their numbers are growing, paint them in less flattering colours – as ill-trained and work-shirking, forever conjuring up excuses for non-performance. Their enterprise, if at all, seems reserved for politicking and organising private tutorials.

As for the students, one often wonders what and how they learn. An unwelcoming environment, adverse teacher-student ratios, poor infrastructure and low access to learning aids, often absent teachers and frequent strikes – all contribute to engendering a crass attitude towards the university, a near exclusive focus on somehow acquiring the necessary degree, usually with the help of crammers and, for those who can afford it, private tuitions.

Only in part can we explain the above as the transition pangs of an expanding system, probably at a rate faster than what the national exchequer can afford. It must not be forgotten that notwithstanding the impressive growth of private initiatives in education – from fly-by-night teaching shops to well-equipped, though hugely expensive, capitation institutions – the primary burden for the provision of higher education falls on the state. The last five decades has witnessed more than a tenfold expansion in the number of universities (214 universities, of which 16 are central universities and

38 enjoy a deemed university status), with the number of graduate and postgraduate colleges running into thousands. Add to these the proliferating technical institutions – engineering, medicine, management – and one can well imagine the fiscal burden on the state.

For a country which, a few decades back, prided itself for being at least a Third World leader in matters of higher education, claimed to have the third largest scientific and technical workforce in the world, and hoped to piggyback its growth path on its human resources, such a situation can only be described as alarming. And while there is no dearth of committees advancing their favoured suggestions for reform, little seems to be happening.

Most reform measures recommended in the arena of higher education revolve around two major propositions – improving efficiency in the functioning of public institutions, and mobilising resources from non-governmental sources. There are of course those, not surprisingly in a minority, who advocate a much larger infusion of state resources. They point out, and correctly, that not only is the overall spending on education abysmally low, the proportion of official expenditure on higher education has been declining since the early '80s. This they trace to a misplaced understanding, ostensibly under pressure from west-

ern institutions and think-tanks, foregrounding a trade-off between elementary and higher education. In fact, the share of recurring expenditure on higher education is today lower than what it was during the 1950s – a situation vastly different from the one obtaining in the '60s and '70s when budgets were, mid-plan, altered to favour higher education at the expense of primary and vocational education.

Without for a moment underplaying this regressive tendency, it is equally undeniable that respective governments (both at the centre and states) are finding it difficult to meet even the non-plan expenditures on higher education, forget expansion. The implementation of the Fifth Pay Commission recommendations have all but bankrupted the state universities. And with over 90% of the dwindling resources going towards paying salaries, where is the space for quality improvement?

Few realise that at the beginning of the planning period (1950-51), the government and private sources equally shared the expenditure on higher education, with fees accounting for nearly 37% of the recurring expenditure. This has now declined to under 15%. Equally dramatic has been the decline in endowments and other sources of income, from close to 15% to under 5%. Given these proportions, it seems some-

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what unlikely that the state will be able to meet its commitments for even maintenance, far less expansion.

Is an increasing reliance on privatization then the answer, be it through measures to increase efficiency (increasing workloads, altering staff-student ratio, weeding out less in demand courses) or sharply escalating user charges? Equally, should the state focus on providing basic elementary education (a constitutional obligation) and increasingly involve and rely upon the private sector to provide higher (professional) education? With many arguing against treating higher education as a merit good, claiming that private returns far exceed social returns, the favoured policy prescription is that subsidies to the sector should not increase, if not decline.

Much as this might appeal to our policy-makers and the well-off (it should not be forgotten that significant sections of our elite are now sending their children abroad, and private institutions are increasingly linking up with foreign institutions), the social implications of a declining state presence in higher education can be damaging, most of all in further narrowing our already narrow middle class base. Few are aware that even in the United States, the current favourite, state expenditure on and subsidy to higher education far exceeds that in India. Much of the growth of the Afro-American middle class after the War can be traced to the policy of subsidizing ex-servicemen of colour to access university education.

Reliance on capitation fee colleges in turn creates multiple distortions. At one plane it encourages only certain professional courses, those which improve the chances of moving into well-paying jobs. What then will be the fate of humanist, liberal education? At the other, it mitigates against considerations of equity, since 'ability to pay' is favoured over merit. Within the state sector too, shifting the burden on beneficiaries will work against poorer students. More so since schemes of low interest loans or scholarships to the meritorious poor have nowhere worked well.

Fiscal solutions, thus, have to be sought more through ways that enable institutions to earn additional incomes and attract private donations – a process so far stunted by the byzantine rules governing the universities. It anything, for a long time additional incomes of universities were adjusted against promised grants. No wonder, our state institutions made no effort to enhance their revenue streams. There is also the proposal of introducing a graduate tax, i.e., get the users (employers) to share the burden of producing trained

manpower, though such a move might well create distortions in the employment market.

It is not that these and other solutions have not been advanced earlier. The tragedy is that we have few data-based, empirical studies which map out the impacts of different policy mixes – be it fee hikes (across the board or for certain courses), introducing loans for students, or creating a more liberal regime (tax reductions, subsidized land) for private institutions. We need many more studies of private capitation institutions, of entities such as the NIIT, particularly on the background of students and the quality of education imparted. As also on the implications of involving private industry for upgrading infrastructure in public institutions. Witness the latest tangle about the IBM Research Centre at IIT, Delhi.

Equally there is a need to move beyond fiscal preoccupations to effect improvements in our higher education institutions. Does greater autonomy to colleges help, both in curricular as also in management matters, such that those desirous of experimenting with new courses, teaching and evaluation methods, and involving different kinds of teachers are enabled to do so? It is dimly realised that, unless the quality of education offered by our institutions markedly improves, any escalation in user charges is likely to be resisted.

We also need to debate the efficacy of considering education as a fundamental right, particularly beyond the school level. Creating conditions such that all those desirous of self-improvement can do so is eminently worthwhile, but confusing it with a right to be taught at all levels is a sure recipe for disaster. Probably, instead of mindlessly increasing the numbers of colleges/universities or demanding that student intake be raised what we should experiment with is strengthening the library system, improve access to it and expand the distance education system through correspondence courses and setting up open universities.

As the market settles down, we are likely to witness a mix of the above – both moves to increase efficiency as also improve cost recovery. Equally marked will be the growth of the private sector. The danger is that in the absence of research-based debate we may well continue with the current scenario of laissez faire, no clear policy framework and a bewildering maze of rules designed more to help bureaucrats exercise control and entrepreneurs make money than those involved with the enterprise of education – teachers and students. This issue of *Seminar* is a small step in the direction of a reasoned debate.

International trends

ITTY ABRAHAM

THE conventional wisdom has shifted – again. In the postcolonial beginning, it was assumed that science was everything. Underdeveloped countries lacked science and technology above all, and, hence, what was needed to counter years and centuries of backwardness was large doses of S&T. As Nehru famously said, 'India, with all her many virtues did not develop [modern technology]. It became a weak country because of that.'[1] And as was often the case in those early years, India both made this case strongly and became a prime example of it

The IITs, to name one outstanding example, came out of this common sense vision of why the past had happened the way it did, and what was

needed to correct it. Countries poured scarce resources into tertiary education, especially technical education, believing that the wealth which would be produced by the engineers and scientists who came out of these institutions would increase national income substantially, income that would trickle down in various ways to enrich the country as a whole. Investment in higher education was one of a piece in investment in dams and steel mills: investment for a modern future.

The tide turned two decades or so later when the orthodoxy in development thinking shifted emphasis to primary education. Based on empirical research that showed that the impact in terms of an individual's future income, health and other measures of wellbeing substantially improved with access to primary education, or more accurately basic literacy, international agencies and ministries of education turned away

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from funding higher education institutions to supporting primary education. Primary education benefited the poor directly while higher education benefited undeserving middle classes and elites, so the argument went; from a social investment point of view, a rupee spent on primary education returned much more than the same rupee spent subsidizing university education.

In retrospect we can also note that this moment coincided with the victory of a cost-benefit-style calculus that measured development in terms of the individual's net future worth in market terms, versus the 'greater social good of the nation' argument typical of the period soon after Independence. It probably didn't harm this view that the late 1960s were marked by major student unrest all over the world – from Mexico City to Tokyo to Calcutta. With universities in flames, investment in primary education seemed a safer bet for rickety governments.

It seems that now the wheel has once again turned full circle and higher education is back on the international development agenda. Two recent reports offer new rationales for a renewed emphasis on higher education in developing countries: first the World Bank's World Development Report (WDR 1998/99), 'Knowledge for Development';[2] the other is the report of the Task Force on Higher Education in Developing Countries (TFR), jointly convened by the World Bank and UNESCO.[3] Even though both reports support the strengthening of higher education, it is clear that this coincidence is not a return to the past and, second, the message conveyed by

these reports differs in important respects. In what follows I will outline some key aspects of these reports and offer a few thoughts on them.

Not surprisingly, the key word in both reports is *knowledge*. This is in keeping with the prevailing metaphor of our times, i.e., the emergence of a global information society where knowledge is sovereign. The term, however, means quite different things in each report. In the WDR, the authors cut straight to the chase when they identify two sorts of knowledge and two related sorts of problems that are critical for developing countries: (*a*) knowledge about technology or 'know-how', the absence of which leads to knowledge gaps, and, (*b*) knowledge about attributes, the absence of which leads to information problems. Absence of know-how means just that you cannot do something you would like to because you do not know how. Knowledge about attributes is the ability to distinguish between different things, from the 'quality of a product [or] the diligence of a worker.'[4] Each problem is in turn related to institutional absences. In the case of know-how gaps, there aren't enough local research centres and science and technology training; in the case of attribute knowledge problems, the issue is more the absence of institutions that set standards and 'facilitate the flow of information essential for effective markets.'[5]

The solution offered by the WDR to obtain know-how is: 'Do not reinvent the wheel, acquire technology from abroad.' For this of course is called 'Higher Education and Developing Countries: Peril and Promise.' The task force is sometimes called the Task Force on Higher Education and Society, at other times Task Force on Higher Education in Developing Countries

4 WDR 1998/9, p 1.

5 WDR 1998/9, p 2.

there needs to be investments in the ability to absorb knowledge, or education and its infrastructure. And this is where the first break with the orthodoxy of the past is most apparent. 'Basic education... should not monopolize a nation's attention [if it is to] become a player in global markets.'[6] Higher education offers the skills and training to produce people who can 'monitor technological trends, assess their relevance to the country's prospects, and help develop an appropriate technological strategy.'[7] But in which areas should training be concentrated? The answer is clear – to be a 'player in global markets', scientific and technological training is what counts.

Following this sage advice, the report proposes competition between universities (defined as institutional providers of advanced skills) to respond better to student demands and adapt better to changing technologies. To continue to be relevant, universities should forge closer ties with industry. And finally, a role for government – since economic analysis shows that there will 'naturally' be under-investment in research and training, educational market failure in other words, the state should subsidize the training of students in technical fields.

This narrow economistic view of higher education is typical of the Bank – indeed most developmental – prescriptions and is problematic for a number of reasons. Competition between universities to respond better to student needs is all very well when curricula have not been changed in a eons, as in some Indian universities. However, we are also assuming that those 'demanding' knowledge (stu-

2. Published for the World Bank by Oxford University Press, 1999

3. Published by the World Bank, Washington, D.C., 2000. This report is also available via the internet, at http://www.tfhe.net/. The report

6. WDR 1998/9, p 42

7 WRD 1998/9, p. 42

dents) know best what fields are likely to produce the largest payoffs in the long run. Two problems arise – inevitable lags in information which mean that while students seek training in the fields that are hot at the time they enter colleges, there is little guarantee that there will continue to be a demand for that field when they graduate.

The example comes to mind of the US computer science students who were assured, quite incorrectly as it turned out, that AI (artificial intelligence) was the 'next next' thing in the mid-1980s. Likewise, it remains to be seen if the boom in demand for Indian computer engineers survives the aftermath of the Y2K boom. The second is the inevitable oversupply that arises in some fields at the expense of others – individually rational choices leading to socially negative outcomes. A world filled with scientists and engineers, to the exclusion of historians, philosophers and scholars of literature – a brief visit to Silicon Valley demonstrates vividly what that future might look like – is not simply an aesthetic nightmare, it produces a society that will be deeply misinformed about its future and past and quite unable to imagine what a good society should be.

This scenario might be said to be already present in Bangladesh which has experimented with private, for-profit colleges for a decade now. Those who enrol in the humanities and social sciences (other than economics and anthropology) are looked down upon, tend to be students who could not get admission elsewhere, and are unlikely to carry on the traditions of scholarship in these fields.

As far as interaction between knowledge sectors and private industry is concerned, what might be expected? India has a long history with the CSIR system, which was explicitly set up for the purpose of providing industry with scientific and technological input. It is no secret that few CSIR labs have performed according to expectations, and few private industries have taken the trouble to seek out indigenous or local technology, preferring above all to import or produce on license, despite foreign exchange restrictions and higher costs. And this is the larger problem with the World Development Report's prescriptions. While they properly focus on the acquisition, absorption, and communication of knowledge, noticeably missing is any meaningful discussion of the *production* of knowledge.[8]

If a report like this is to be of any long term use what is surely needed is some idea about how knowledge came to be the sign of the times, how research and development translates or is converted into wealth, and how countries can build into their knowledge systems the likelihood of becoming something other than consumers of knowledge produced elsewhere, i.e., Japan and the West. This absence points to the greatest weakness of 'knowledge for development'. There is a status-quo mentality built into the entire report, an assumption that the lines between North and South are fixed and unchanging. All that can be done is to ameliorate the position of those less well-off so that they do not fall too far behind the stronger and act as a drag on the system.

8. The first chapter, 'Power and Reach of Knowledge', summarizes the state of research and admits that econometric analyses still largely proceed by defining knowledge as the factor that remains in a production function when labour, land, and physical capital are accounted for (WDR 1998/9, pp 16-25) The chapter elides the fact that knowledge by itself is meaningless – it is the *embodiment* of knowledge, in blueprints, techniques, machines, services, etc that is the critical step in the translation of knowledge to wealth.

Notwithstanding the fact that the same World Bank (along with UNESCO) convened the Task Force on Higher Education in Developing Countries, the reports read very differently. Unlike the anonymous format of the WDR, the Task Force Report is associated with identifiable people: the 14 member committee was co-chaired by South Africa's Mamphela Ramphele, former vice chancellor of the University of Cape Town, and Harvard's Henry Rosovsky. Two South Asians served on the task force, Babar Ali, pro-chancellor of Lahore University of Management Sciences (LUMS), and former Indian finance minister Manmohan Singh. We are struck by a statement that jumps out in the introduction: 'The task force believes that social returns to investment (in higher education) are substantial and exceed private returns by a wider margin than previously believed.'[9]

In laying out its position so clearly, the task force takes a position against the economistic approach to evaluating higher education. While it is phrased so as to argue that what was missing from previous analyses of the problem was simply a better understanding of the 'social returns' to investment in higher education, the content of the report suggests a broader purpose and vision.

In marked contrast to the vague generalizations and status-quo orientation of the WDR, the Task Force Report seeks not only to promote the conditions under which the production of knowledge might be possible, but exhibits an understanding of the place of knowledge in modern societies. It makes the point that advancements in electronics, computerization

9 Report of the Task Force on Higher Education in Developing Countries (RTF), p. 27. See also pp. 56-60.

and miniaturization have allowed the transformation of 'old machines into smart ones,'[10] permitted the revolution in information systems, from payrolls to database management, and facilitated the introduction of computer controls and robotics in traditional manufacturing settings. Faster and cheaper communications technologies have demolished the old adage that 'location, location, location' was the supreme criterion for retail sales, while easier access to more information makes monopolies less likely and allows for greater choice in decision making. New knowledge in the science of materials, especially plastics, silicon-ware and ceramics, have made possible new products and improved the quality of old ones.

These technological transformations make the case that greater scientific and technical training is necessary to create a workforce in order to cope with and participate in these new industries. But there is a significant downside to this new economic structure, the report notes, which is worth pointing out because it undermines the once-assumed (and only) leverage of the latecomer. While 'designing and marketing the best computer operating system in the world is enormously lucrative, the second and third best systems are far less profitable. This would surely not apply in the case of steel mills, oil refineries, or food processing plants. The winner-take-all character of investment in knowledge demands a high level of existing knowledge and skills even to enter the fray.'[11] To extend this insight, we may note that the importance of industry-wide standards in the new economies where we have seen market power (e.g., Microsoft Windows[12]) can

trump quality (e.g., VHS over Beta video). In simple terms, the ability to establish an industry-standard platform—which is where the real money is – is most closely correlated to corporate origins, i.e., to be based in a country which is already economically powerful.

The Task Force Report identifies major structural changes affecting our understanding of international higher education in the last fifty years. These include *expansion*, or the enormous increase in the demand for higher education; *differentiation*, or the proliferation of institutions of higher education beyond the traditional university; and, the *knowledge revolution*. Expansion is an outcome both of increased enrolment in primary and secondary schools and a secular rise in the numbers of young people in developing countries, as well as growing awareness of the pecuniary advantages of higher education.

Differentiation has been around us for a while, but has not always been conceptualized as part of a system of higher education. All over the world we can see the growth of open universities, private colleges, religious colleges, professional schools, technical training centres and business management institutes. Some of these are accredited, others fly-by-night; some profit-oriented, others associated with philanthropies and trusts; still others are a mix between these.

Finally, the knowledge revolution, or more accurately, the rate of change of the production of knowledge. The indicators of speed in this category are the doubling of the rate of publication of scientific papers in

the last two decades and the steady increase in the number of patent applications (Indians filed 66% more applications in 1996 than they did in 1986). This heightened pace of knowledge production is contrasted with the huge differences in the ranking of scientific publications per capita and numbers of computers per head between the developed and developing worlds.

Where the report really breaks new ground is in its pitch to governments and donors to reconsider the advantages of investments in higher education, not in relation to market alone but to the public interest. Here it develops an argument that makes the connections between the values implicit in the best kinds of higher education and liberal democratic values – in particular, the stress on merit and intellect over wealth and connections, critical openness to new ideas and possibilities, and peer review and reasoned debate to evaluate the relative strengths of competing ideas. This is not meant simply as analogy; rather the report posits a relationship between values imbibed in the experience of higher education and its effect on society: 'The best higher education institution is a model and a source of pressure for creating a modern civil society.'[13]

More generally, the best universities provide sites for debates about social values, demonstrate pluralism and tolerance, and act as repositories for shared social memories. In order for these values to become widespread, the report makes a strong pitch for broadening access to higher education, especially encouraging the historically deprived and women, along with complementary changes in the tuition and fee structure. In response to the critics of affirmative action

10. TFR, p. 49.

11. TFR, p 51.

12. It remains to be seen what the impact of the US courts' anti-trust ruling against Microsoft will be, however, to have to resort to anti-trust (MRTP in Indian parlance) legislation indicated how powerful the company had become.

13 TFR, p 65

and reservations, the report offers a pithy epigram: 'tolerance at points of entrance with rigour at the point of exit.'[14]

The report continues this theme when it turn its attention to the rarely acknowledged importance of liberal or general education, not as an alternative to scientific and technical education, but as a necessary complement to it. It points out that employers have long noted that employees with simple technical education provide firms with short term responses to their needs, but are limited in developing beyond entry level functions. The long term needs of firms are met better by employees with a combination of technical and general skills who can translate abilities learned in one setting to other settings as well.

The task force vision of a liberal education stresses cognitive skills on the one hand (e.g., the ability to think critically and distinguish between valid and invalid inferences), and breadth of knowledge on the other (e.g., some familiarity with the sciences, some knowledge of human achievements of the past and philosophical and religious concepts). Apart from the acquisition of the values of responsible and modern citizenship mentioned above, liberal education is to be valued because, if done right, it allows an understanding of the nature of learning itself. This is a necessary foundation for a lifetime of re-learning, a key attribute of survival in a knowledge-based economy.

Readers of the Task Force Report cannot but notice that the model of the American university lies close to the hearts of the commission-ers – perhaps not the Ivy League schools of the East Coast, but some-thing closer to the public land grant

14. TFR, p. 62.

institutions of the Midwest, with their long tradition of open admissions, community outreach and extension work, and inexpensive, high quality liberal education. It could be imagined that this bias reflects nothing more than a structural feature of the knowledge economy alluded to above. In other words, the 'industry standard' has its role in higher education as well.

In conclusion, two thoughts. The best thing about the Task Force Report is its conscious and strident effort to reject the concept of 'human capital' and market-driven logics for higher education in the developing world. But we have to consider as well the uses the report might be put to. While its overall analysis and many of its recommendations are sound, the scale of changes that are called for – from governance to curriculum to funding – are so significant as to be practically impossible to implement in most existing institutions. Two possibilities thus seem plausible: the first is a piecemeal acceptance of some of the recommendations which are likely to be, for obvious political reasons, the most innocuous and least threatening to stakeholders. The other is more troubling. After reading this report it becomes difficult to see most Third World universities as anything but white elephants draining the national exchequer, deeply politicized and resistant to change.

Policy-makers and donors are likely to throw up their hands and proclaim that change is impossible under the present circumstances. Only institutions that are relatively new stand a chance of meeting some of these worthy objectives. Could this report legitimize the systematic defunding and benign neglect of existing universities in favour of new institutions that will be built to meet these new criteria from the bottom up? Only time will tell.

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Reforming education financing

N V VARGHESE

EDUCATION is one of the dominant sectors of the Indian economy in terms of enrolment of children, employment of adults and investment of financial resources. While school education has a broad base, higher education suffers from a narrow base covering only about 5% of the relevant age group population. With the expansion of school education, the pressure on the higher education system to expand is expected to continue in India.

The educational system in India is predominantly a state funded and directed activity. Given the financial constraints, India, like many other developing countries, finds it difficult to cope with the ever increasing financial requirements of an expanding system. Reform measures suggested by international agencies and recommended by various committees appointed by the national government have explored possibilities of additional resource mobilisation to reduce the burden on the public exchequer.

Most of the reform measures recommended in higher education centre around two major propositions – improving efficiency in the functioning of public institutions on the

one hand, and mobilising resources from non-governmental sources on the other. The former category of reform measures focus on efficiency in resource use so that more resources are available even when additional resources are not allocated to the sector. Measures like changing the staff-student ratio, increasing the teaching workload, and so on belong to the former category. Measures to diversify the sources of funding or develop alternative arrangements to provide higher education belong to the latter category of reforms. A general trend in these reform measures is to shift the burden of cost from the public to private and household domains.

The report of the Education Commission (1964-66) strongly argued for devoting 6% of the GNP to education. Successive governments in the recent past promised this level of investment but it remains more a political intention than a realised commitment. The Majumdar Committee (MHRD, 1999) recently analysed the financial implications of making elementary education a fundamental right and came to the conclusion that enhancing the share of investment to

6% of the GNP would be sufficient to provide adequate resources at all levels of the education system. India now spends only around 3.7% of its GNP on education, undoubtedly a substantial increase of three times in the share – from 1.2% of the GNP in 1950-51 to 3.7% in the year 1990-91. If the share of education in GNP is increased to 6% it would be sufficient to finance universalisation of elementary education and provide more resources for post-compulsory levels of education.

Public expenditure on higher education as a share of GNP increased from 0.19% in 1950-51 to around 0.56% in 1990-91. It needs to be noted that the expenditure on higher education as a share of GNP increased consistently until the 1980s. In fact, in the late '70s India was spending almost one per cent of GNP (Table 1) on higher education. This trend changed in the 1980s and its share reduced to 0.56%. From the mid-1980s onwards, especially after the National Policy on Education, the focus of discussions and priority in allocation shifted towards elementary education.

The share of the central government in total education expenditure increased during the post-policy period, i.e., from the late 1980s. A substantial share of this increased expenditure was, however, allocated to elementary education. Expenditure on higher education as a share of total recurring expenditure on education

shows a declining trend (Varghese and Tilak, 1991). Higher education accounted for 20% of the recurring expenditure on education in the '50s which increased to 29% in the '70s and early '80s; in the decade of the '80s it declined to 18%. As of now, the share of recurring expenditure on higher education is lower than what was in the 1950s. This reduced spending on higher education becomes more marked when one looks into allocation to higher education under successive plans.

Plan allocation to education denotes current priorities and the government's commitment to new initiatives. The Indian evidence shows that allocation to education, in general, declined under successive five year plans. Nearly 7.8% of the total plan funds were allocated to education in the first five year plan. It came down to around 2.7% during the sixth five year plan though it increased to 4.5% in the eighth five year plan. This recent increase is certainly a positive trend.

The first plan accorded a high priority to elementary education and nearly 56% of the allocations were earmarked for this sector. Consequently the share of resources for higher education was only 9%. However, its share in the second plan doubled to 18% reaching a high of 25% in the fourth plan. From the 1970s onwards one finds a consistent decline in the share of allocations to higher education reaching the lowest share of

TABLE 2

Plan Allocations to Education (%)

	Total education	Higher education
I Plan	7 8	9
II Plan	5.8	18
III Plan	6 9	15
IV Plan	5 8	25
V Plan	3.3	22
VI Plan	2 7	18
VII Plan	3.1	14
VIII Plan	4.5	7

Source Five Year Plan Documents

7% (Table 2) in the eighth plan. The trends clearly indicate that allocation to higher education increased consistently from the first to fourth plans and declined consistently thereafter. However, the argument is not that too many resources were allocated to elementary education; universalisation of elementary education requires more resources than what is currently allocated. With the expansion of school education, the pressure on higher education to expand will continue. Since both sectors require more resources, a reprioritisation in allocation between primary and higher education→ keeping the same level of public funding will leave both sectors starved.

Did the government succeed in transferring its financial burden to others? An analysis of the sources of funding for education clearly indicates that in the 1950s only 58% of public expenditure on education came from government sources. Over a period of time the share of government in educational expenditure has increased. Currently, nearly 85% of the educational expenditure come from government sources – central, state and local. In other words, during the past three decades the total educational expenditure has increased and more importantly the share of the government to total expenditure has increased. **21**

In 1950-51, the expenditure on higher education was shared equally

TABLE 1

Expenditure on Education

	Total Education		Higher Education	
	Rs in Millions	% GNP	% GNP	% Recurring Exp
1950-51	1144.0	1.2	0 19	20.0
1960-61	3444.0	2.5	0.39	22.0
1970-71	11183 0	3.1	0.77	27 0
1980-81	36406.0	2.9	0 98	29.0
1990-91	173007.0	3 7	0.56˙	18 0

Sources: (i) Education in India (various years); (ii) Annual Reports of the Ministry of Human Resource Development.

by the government and private sources. More importantly, fees accounted for nearly 37% of the total recurring expenditure on higher education. However, in 1985-86 (the latest year for which information is available) more than 80% of the expenditure came from government sources. Correspondingly, there was a decline in other sources of funding for higher education. For example, student fees accounted for 36.8% of the total expenditure in the 1950s (Table 3). Over a period of time the income from fees as a share of total resources for higher education declined and in 1985-86 it accounted for only 14.4% of the total recurring expenditure. This implies that the share of fees in total expenditure declined from over one-third in the 1950s to nearly one-seventh in the 1980s. A similar trend is visible in case of endowments and other sources of income to the universities. Nearly 14% of the total expenditure on higher education came from these sources in 1950-51; it declined to 4.5% in 1985-86.

It is interesting to note that even when there was a decline in public funding for higher education, the nonprofessional courses were more adversely affected than the professional ones (Varghese, 1987). The trends in the financing of higher education in India show that: (i) the share of the government in total educational expenditure has increased; (ii) the share of higher education in the total public education expenditure has declined, both in plan allocation and

in recurring expenditure (This shows a reduced public priority and resource commitment towards higher education, especially in the late 1980s); and (iii) student fees and endowments as a share of total resources for higher education have declined. Consequently, the share of government expenditure in total spending on higher education has increased. By the '90s, the government, which is the dominant partner in funding, found it increasingly difficult even to maintain the same level of funding for higher education. Therefore, mobilising resources from non-government sources became important even to sustain the system of higher education at its present level of operation. Most of the committees appointed during this period have made various suggestions in this regard.

The 1980s was a period of economic crisis in many developing countries. During this period many countries resorted to extensive external funding, primarily through the structural adjustment programmes. Studies have shown that countries which received structural adjustment loans showed declining public expenditure on education (Lewin, 1986, Berstecher and Carr-Hill, 1990; Sanyal, 1992). It was primarily due to the fact that structural adjustment necessitated a redefinition of the role of government and envisaged a reduced government intervention in all sectors, including education.

The reform measures suggested (World Bank, 1994) for developing

countries include: (i) encouraging greater differentiation of institutions of higher education, including development of private institutions; (ii) cost-recovery mechanisms including cost-sharing with students; (iii) redefining the role of the government by evolving a policy framework to make the sector more market friendly and public institutions more autonomous; and (iv) prioritising investments towards quality improvement.

During periods of structural adjustments, public expenditure declines in general and that on social sectors, including education, declines in particular. In India too, allocation of resources to higher education declined during the period of adjustment (Tilak, 1993). For example, during the period between 1989-90 to 1994-95, the share of higher education in plan expenditure decreased from 12.6% to 6% whereas the same in non-plan expenditure declined only from 14.2% to 11% (Tilak, 1996). The effort of reforms in India was to further reduce the financial burden of the government to provide education, especially higher education.

In the Indian context, two important committees were appointed to recommend measures to respond to the demand for funds for education. The Swaminathan Committee (AICTE, 1994) looked into possibilities of resource mobilisation in technical education, essentially through cost-recovery from students. The committee's recommendations include: (a) the creation of corpus funds in institutions; (b) establishment of an Educational Development Bank of India (EDBI) with an initial capital of Rs 3000 crore; (c) reducing the share of salaries in recurring expenditure from the present level of 80% to 60%; and (d) enhancing fees to recover

TABLE 3

Sources of Funding for Higher Education (%)				
	Government	Local Bodies	Fees	Others	Total
1950-51	49.1	0.3	36.8	13.8	100 0
1960-61	53 1	0.4	34 8	11 7	100.0
1970-71	60.4	0.5	25.5	13.5	100.0
1980-81	72 0	0.8	17.4	10.8	100 0
1985-86*	79.7	1.4	14.4	4.5	100.0

Source: *Education in India* (various volumes) *Refers to recurring expenditure only.

at least 20 per cent of the recurring expenditure.

The Punnayya Committee (UGC 1993) looked into the funding of central universities. Its recommendations include: (*i*) maintenance grants, dearness allowance to be provided by the government; (*ii*) subsidies on many of the other items of maintenance grant to be reduced and maintenance grants to be stabilised at a certain acceptable level; (*iii*) maintenance grant to be based on unit costs; (*iv*) universities to mobilise funds – at least 15% of the total recurring expenditure at the end of the first five years and 25% at the end of 10 years; (*v*) creation of corpus funds to meet infrastructure development; (*vi*) increase in student fees keeping in view the rate of inflation; (*vii*) scholarships to at least 20% of students; and (*viii*) soft loan scholarships from nationalised banks.

The reform measures suggested in the reports of both committees have two distinct aspects, namely, improving efficiency in the functioning of institutions of higher education to reduce waste and saving resources and mobilising them from sources other than the government. The report on technical education strongly advocates the possibility of rationalising teaching workload so as to reduce the salary bill. It also advocates reducing the share of regular faculty to 60% and appointing the remaining 40% of the staff on a part-time and contract basis. It further suggests reducing the staff-student ratio from 1:10 to 1:15 in degree courses and from 1:11 to 1:20 in diploma courses. Similarly, it advocates promotion of distance mode of education and to base the grant transfer on a per unit basis. These steps, no doubt, will be helpful in saving resources and make more funds available to the sector without additional public investment.

Reforms relating to mobilisation of resources to reduce the public cost include promotion of distance learning, encouragement of private sector and cost-recovery methods. Access to higher education through non-institutionalised structures like the open learning system has expanded in India. Open universities have been established both at the national and state levels. The open university system reduces recurring expenditure on account of salaries and non-recurring expenditure on account of institutional arrangements for imparting education. Therefore, one of the strategies adopted in India to meet the increasing demand for higher education is through the open university system and correspondence courses. Enrolment in higher education in the non-institutionalised sector (open universities and correspondence courses) has increased in India during the 1990s. It needs to be noted that this sector does not necessarily cater to the age group which normally attends courses in universities and colleges.

The efforts to privatise higher education in India by encouraging private agencies to set up institutions of higher learning have enjoyed limited success in general education. In the '80s a large number of institutions offering professional courses were set up in the private sector. Such 'capitation fee colleges' (Tilak, 1992) represent a case of totally leaving the responsibility to the private sector. The growth of private sector has led to two types of distortions: (*i*) it encourages only certain courses, especially professional courses; (*ii*) it adversely affects equity considerations in education, since admissions are based more on the ability to pay principle than on merit. The criticisms about capitation fee colleges both in terms of admis-

sion criteria and their functioning have led to litigation. Consequently, the government is now trying to regulate the operation of these colleges. In other words, the experience with capitation fee colleges shows that unconstrained privatisation of higher education sector is perhaps not a desirable solution to finance higher education in India. The private sector may respond more to the market processes than to national and social concerns. It can be argued, and that too rightly, that privatisation may lead to promotion of certain courses at the expense of other courses and promotion of better-off sections of society at the cost of meritorious but economically poor students.

Cost-recovery implies a reduction in subsidies in higher education. The best way to reduce subsidies is to diversify the sources of funding for higher education. This could be done by shifting the incidence of the financial burden either to the beneficiaries (students) or to their users (employers). Student loans, graduate tax and enhancing fees (Woodhall, 1989; Tilak and Varghese, 1991) are some of the suggestions made in this regard.

Student loans are mechanisms envisaged to shift the burden to the beneficiaries of education. Under this scheme individual students are expected to meet the cost of higher education. One advantage of the student loan scheme is that it is provided to those students who take advantage of higher education and is recovered from the same group of students. In other words the incidence of liability is confined to those persons who take advantage of the public provision. Another advantage with the student loan scheme is that the loan is recovered only after the loanee completes studies and starts earning. Both the committees (Swaminathan and

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Punnayya Committees) recommended student loan scholarships, either through the proposed Educational Development Bank of India or by commercial banks at concessional rates.

A student loan scheme can create two types of distortions. First, only those courses which enjoy a premium in the employment market will be preferred, both by the providers of loans and borrowers. The professional courses may get priority at the expense of others which are important from the point of social and national concerns but do not enjoy a premium in the labour market. Second, the educational credit market in India is not well developed. When banks try to provide educational credits to students they look for surety and security deposits which poor students are not in a position to provide. Ultimately, loan scholarships may lead to a situation whereby these opportunities are taken advantage of primarily by children from well-to-do families. This may have adverse equity implications.

Another commonly suggested measure to recover the cost of higher education is through a graduate tax. The graduate tax is an education specific tax levied on those who use educated manpower. The paradoxical situation in India is that while the expenditure on education is borne by the government, the products of the educational system are used by the public and private sectors. The educational sector in India provides manpower to the production sectors and they generate profits which are beneficial to the employers. However, employers seldom contribute to the education sector on a regular basis. There is, therefore, a strong case for levying a tax on every graduate who is employed in an organisation. An employer can be asked to pay an annual tax to the government for each graduate recruited. The amount of tax to be levied should be based on the cost of education at that particular level. The duration of the tax can be determined so as to recover the total cost of education.

This seems logical and hence a desirable proposition. The major drawback with the scheme is that it may work as a disincentive for many employers in recruiting university graduates; they may use lower level educated manpower as a substitute. This may exacerbate the already aggravated situation of unemployment of the better educated in India. The substitution possibilities may be lower in those organisations where the burden of taxation can be shifted to individual employees. Nevertheless taxing employers based on the type of manpower they use has a good rationale even if it leads to substitution.

A commonly suggested cost recovery method in higher education is to increase fee rates. The share of fees in total-expenditure on higher education has declined over time. This happened because the amount of fee levied remained almost unchanged over a long time, while the cost of education increased. This has resulted in an increasing cost-fee disparity in education. Therefore, there is a justifiable case for increasing the fee to be levied from students of higher education.

Most of the students who go in for higher education are from economically and socially better-off families whose ability to pay is higher than what they are actually charged. A continuation of the present levels of subsidy benefits a segment of the population that does not deserve it. Therefore, there is scope for increasing fees to mobilise resources. Such possibilities are higher at the post-compulsory and tertiary levels of education.

There are many ways in which fees may be increased. One can argue for a uniform increase in fees for graduate and postgraduate courses which implies that fee rates will remain the same in a university. A second alternative is to increase fees based on the cost of provision of different courses. In this case the fee for a particular course will remain the same in a university but the rates for different courses will vary. A third alternative is to give autonomy to colleges to charge fees based on the cost of courses that they offer. In this case charges for the same course may vary between different colleges within a university. In all these cases, students opting for similar courses are levied the same fee, either at the college or university level. The downside is that it does not discriminate between those whose ability to pay is higher or lower. A discriminatory fee structure, on the other hand, takes into account the ability to pay principle.

A discriminatory fee structure implies that fee will be charged according to the paying capacity of the student, the fee to be levied based on the cost of providing education for each faculty or subjects on the one hand and paying capacity of individual students on the other. Needless to add, those belonging to the highest socioeconomic households will pay the most, close to the full pricing of education. Students from the lowest social and economic households will pay the least which indirectly helps target subsidies in favour of the poor. One can argue that discriminatory pricing may lead to an increased income for higher education without adversely affecting equity considerations in educational provisions. In this sense, a discriminatory fee structure will reduce the perverse effects of the existing public subsidy system.

Student fees have recently been enhanced in all types of universities in India. The management and technical institutions provided a lead in this direction. Fees remain the main source of income for private institutions, where parents are willing to pay. Though enhancing fees in public institutions is often resisted in India, recent experience shows that it is possible even in public institutions. However, a uniform increase at times goes against equity considerations. A discriminatory structure based on the ability to pay principle increases income without adversely affecting equity concerns

All reform measures attempt either to save resources by improving efficiency in the operation of educational institutions or mobilise resources from non-government channels There is scope for doing both in India. Improving the efficiency of educational institutions cannot be effected through policy reforms at the national level; it needs changes at the institutional level (Sanyal, 1995). The internal management of institutions needs to be strengthened. Perhaps, this requires giving more autonomy and greater authority to the head of the institution. Public policy needs to create a legal and conducive environment to initiate changes at the institutional level. It also demands that the government play a more regulatory than controlling function.

There is scope for reducing subsidies in higher education Unlike at the primary level, a majority of students in higher education come from better-off families and hence can pay more. Perhaps, keeping fees at lower levels in the name of equity benefits the better-off sections of society. More importantly, a high level of public subsidy reduces the scope for the government to mobilise additional resources,

leading to privatisation of the sector, though only the state can provide a long-term perspective and focus on social concerns in promoting higher education. There is thus a need to strengthen the state which cannot be done while maintaining high levels of subsidy. On the other hand, an indiscriminate reduction in subsidies may leave the sector to the vagaries of market forces. Therefore, what is argued for is targeting subsidies to students from poorer sections of society. It also needs to be emphasised that enhancing fees may not generate the level of resources required for the sector.

Finally, the system of higher education in India covers only a small percentage of the age-group population. Given the efforts to universalise elementary education, one may expect the pressure on higher education to increase in the years to come. The situation in India, like in all developing countries, is that the country needs to invest more resources both at the primary and tertiary levels of education. Hence, reallocating resources from higher to elementary education is no solution; it lies in increasing governmental expenditure.

If the public authorities commit to the recommendations made by various committees from the 1960s onwards to devote 6% of the GNP on education, the sector as a whole will be better-off and the resources sufficient to provide a comparable level of education at all levels. Therefore, discussions on resource mobilisation need to focus more on this measure rather than on changing priorities and allocation favouring higher education at the cost of elementary education. An increase in allocation to education as a share of the GNP, accompanied by a better targeting of subsidies, can both mobilise resources and promote equity.

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W(h)ither IITs?

P V INDIRESAN

THE higher education debate in India is centred on two issues these days: (a) Is higher education a non-merit good deserving little or no subsidy as some finance experts make it out to be? That is, should higher education be a democratic right open to all, or should it be confined to a few? (b) If higher education is to be restricted to a few, should it be confined to those who are competent, or should it be the preserve of the politically privileged, or should it be purchasable by the rich?

The origins of the debate go back to the end of World War II. Till that time, university education was unashamedly elitist. World over, it was a preserve of the upper class. After the war, the US government was faced with the task of rehabilitating over a million demobilised soldiers. It was concerned about the need to make up for the numbers lost to education during the war years when virtually all youngsters were forced to fight. It also felt a moral obligation to compensate those who had served in the war. So, the US government enacted a Bill of Veteran's Rights giving returning soldiers access to education on attractive terms.

As a consequence, millions who normally would never have thought of attending college, found that they could now afford to do so. Thus, college education was transformed from a privilege for the elite to a democratic right for all. The United States could well afford to do so. It was by far the richest nation in the world and controlled nearly a third of world trade. It was also paranoid about the success of the

Soviet Union in space and in nuclear technology. As a counter to communism, it was assiduously propagating democratic freedom everywhere. Thus, it had the resources; it had a deeply felt psychological need and a political compulsion to throw open tertiary education.

As the US was the pacesetter for the rest of the world, most countries followed suit liberalising entry to universities. That trend was reinforced in the US when the Cold War turned into a hot one in Vietnam, and university campuses caught fire with students on the rampage. The government was forced to yield on many counts. In particular, it was forced to repay its debt to Blacks who had borne a disproportionate share of the fighting in the Vietnam War. Affirmative action policies became the rage; that democratised education still more.

In India, higher education could not become a democratic right on the same scale as in the US for the simple reason that few children completed school. Even then, higher education received considerable state patronage. The first Indian Institute of Technology was established at Kharagpur in 1950 on the basis of the Sarcar Committee Report. That report propounded two basic principles: one, that education should be of international standard recognising that costs would be at international levels; two, that the costs should be shared equally between the government, the student and the institution.

The Sarcar Committee estimated the cost of education in the Imperial College, London at Rs 1480 and at the Massachusetts Institute of Technology, Boston at Rs 1560. It, therefore, took the view that a cost of Rs 1500 per student per year would be reasonable, and hence fixed the student fee at Rs 500 per year. As the IIT

would not be in a position to generate funds of its own immediately, the committee recommended that government should, as an interim measure, meet the entire balance of costs incurred. It did not specify how long that interregnum should be, nor did it suggest in what manner, and how fast, state support should be scaled down to suggested levels.

Within the government, this idea of a three-way share was never taken seriously. The national mood was unabashedly socialist. Higher education was universally believed to be a social good, both because it was an instrument of radical social transformation, and a vehicle for economic progress. In a euphoric mood, the government splurged money on many other schemes and shied away from the unpopular chore of imposing user charges. Profit became a dirty word. According to Jawaharlal Nehru, even commercial enterprises were not bound to generate profits. That led to a shortage of money.

C.D. Deshmukh, the able finance minister who piloted the first five year plan, found a solution by creating a budget deficit. While Deshmukh kept deficits at prudent levels, his successors were not as careful. Deficits became an addiction; money printed at the Nasik Press tasted sweeter than that collected through taxes. Inevitably, inflation raged, and the student fees mentioned in the Sarcar Committee dwindled to a fiftieth of the original figure. Conveniently, the IITs (by this time there were five) forgot their responsibility to earn a third of the costs. Thus, virtually the entire cost of running the institutions came to be borne by the government. It was not only in the case of the IITs but in every other sphere, the government took upon itself the burden of meeting costs far beyond its capacity to pay.

The result was inevitable; by the year 1990, the government became virtually bankrupt.

Meanwhile, the world scene too had undergone a sea change. The Soviet Union had collapsed, and the US no longer faced a credible threat from any formidable enemy. Communism was disgraced and capitalism was triumphant. Money became the measure for each and everything. The stage was set for higher education policy to flip back. There was a backlash against affirmative action. Experts in the US measured the cost-benefit of higher education and declared it to be a 'non-merit good'!

Around this time, a new fashion in professional education came to the fore in India. In the first 30 years of Independence, it was tacitly accepted that higher education would be provided by government institutions only. There were a few exceptions like the Birla Institute of Technology and Science in Pilani, the Birla Institute of Technology, Ranchi and the Manipal Institute of Technology. The first two were largely state funded, and in many ways not very different from state-run colleges. Manipal was entirely different. It eschewed altogether state patronage; it catered largely to well-to-do upper caste students who were denied admission to professional studies by the government. In the process, it not only managed to sustain itself financially but also generated enough surpluses to expand rapidly. That came to the attention of other entrepreneurs, some devoted to education and some in search of a fast buck. As a result, a plethora of 'capitation fee' colleges sprouted all over South India. In different forms, this process continues and is slowly spreading to the northern states as well.

Faced with financial collapse, hard-pressed policy-makers looked

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for a way out of the morass into which they themselves had sunk the government. They felt that if only government colleges could collect fees the way private colleges were doing, they could free themselves from the responsibility of maintaining them. However, before they could do so, a moral justification had to be found. That appeared when American pundits declared higher education to be a non-merit good. For our financial pundits this was a godsend. They too started advocating that higher education should pay for itself – a 180 degree reversal from the stand taken by them not long ago.

Basically, the argument that higher education is a non-merit good proceeds as follows: College education enables a student to get better paid jobs, more prestigious jobs and more secure jobs too. Therefore, the college graduate earns a *private benefit* from higher education. Hence, it is not fair to burden the taxpayer with the cost of such education. So, higher education does not merit a subsidy, at any rate not much subsidy. In case a particular student does not have the means to pay, loans may be arranged so that the burden still stays with the student and is not passed onto the taxpayer.

Stated in this form, the argument appears logical. However, this is only one side of the story. Graduates may earn a lot, but they may contribute a lot more to the economy and to society. So, it is important to take note of both sides of the ledger.

For example, a scientist working at the Vikram Sarabhai Space Centre may earn ten times the national average wage. That is undoubtedly an enormous private benefit. At the same time, if poor but capable students are prevented from studying, and therefore, less able persons alone are available for space research, who would

suffer more – the individual or the economy at large? It is, of course, possible that the person may not opt for such specialised work, may sell soap instead (to earn even more), migrate abroad, or become a wastrel. Unfortunately, we do not know before hand who will do what. In any case, increasing the cost of acquiring higher education will inevitably increase the probability of preventing capable youngsters from benefiting society by their training, only because they are too poor to study.

Loan scholarships have been suggested as a remedy. In some cases, they may indeed solve the problem. For instance, it can be safely assumed that *all* graduates of Indian Institutes of Management will secure high paid employment, large enough to repay the needed loan with interest. There is no such guarantee for most colleges. Many graduates eke out a bare living and quite a few may not find employment. Therefore, few banks would risk lending to such students. Even if they do, they will feel constrained to cover the risk through higher interest.

The financial world being what it is, a rich student studying in IIM can get a loan more easily, and at lower rates of interest too, than a needy student struggling in a less reputed institution. In truth, loans are merely a theoretical possibility for most aspirants to college education. In the case of IITs, the risk is not high but the cost is. Typically, undergraduate education in an IIT costs Rs 400,000. The repayment of such a loan will cost over Rs 8000 per month. That is by no means a rosy prospect for any aspirant to the IIT and will certainly deter the poor.

These figures are high because IIT education is expensive. However, the recurring cost in a typical engineering college is, on average, barely Rs 9-10,000 per year. In an IIT, it is ten

times as much. So, apparently, there is much scope to reduce the cost of IIT education. Actually, IIT costs are high because their standards are high. In the US, every year, about a hundred young scientists are selected for what are known as the President's Young Scientists' Award. Year after year, around 10% of them have gone to IIT graduates, a disproportionately large share even after taking into account the large number of IIT graduates who migrate to the US. Recently, the prestigious American journal, *Business Week* had a cover page story about the extraordinary success of IIT graduates in American boardrooms where several of them have become chief executives.

It is also a known fact that quite a few IIT graduates have done well as entrepreneurs; some of them are self-made near-billionaires. Considering the minuscule size of any IIT, with enrolment no more than that of a typical college, it all adds up to an incomparable record of achievement. There is not one educational institution (except the Indian Institute of Science which is even better endowed than IITs!) that can compare with the academic reputation of the IITs. As it is, the cost of education in an IIT is less than a tenth of what it is in developed countries – although when the first IIT was established, the costs were estimated to be comparable. The cost of education in engineering colleges in India is low not because they are that much more efficient but because they are sub-standard. So, the question is: Should India have at least a few world-class institutions even if they cost much more, or should we let IITs decline to the level of other engineering colleges?

In this connection, it is worth having a look at the accompanying table, which provides a revealing picture of

the fee and subsidy structure in the United States. In the table, institutions are classified in two ways: (*a*) private or public and (*b*) in ten deciles according to subsidy provided. As a matter of interest, on an average, the subsidy provided to students is virtually the same in both private and public institutions. The most expensive institutions (these are to be found in the private sector) provide subsidies three times the average and charge fees even lower than those at the bottom decile whose expenditure per student is barely a quarter as much. Hence, top institutions, in spite of the prestige they command and the enormous expenditure they incur, keep their fees relatively low, keep them less than a fifth of the costs incurred. The fees in public colleges are lower but their expenditures too are significantly less. No wonder, the private sector has most of the reputed colleges. These figures are for colleges across the board and not confined to engineering institutions only. Nevertheless, there is much food for thought here. One, prestige and quality do not come cheap. Two, students will pay some premium for quality but not much.

The administration of Harvard University is typical of the way private universities attract and cater to bright students. It keeps admissions and fees separate. Admissions are made according on the basis of a complex set of criteria for merit, and then the fees to be charged are decided on the basis of ability to pay. To the extent possible, care is taken that no meritorious student is discouraged from joining merely because of the expense involved. Harvard offers large subsidies to bright students, even more than what public institutions offer. It also pays faculty very well. It can afford to do all these because it has accumulated huge endowments. Can our IITs do the same?

All these years, the IITs have been run like any other department of the government. Whatever they earned was appropriated into the Consolidated Fund of India, and a budget was offered to IITs on the basis of what the government thought fit. The fact that the government used to be quite generous is beside the point. In effect, IITs were forced to pay 100% income tax on whatever they earned. That took away all incentive to earn. Three years ago, when the government found that it could no longer cope with the cost of maintaining the IITs, it offered a package in which the government subsidy was effectively frozen, but the IITs were permitted to retain whatever they earned. The government also promised to provide a matching grant on any profit IITs may make on any contracts they executed.

That unleashed much suppressed energy. The IITs started collecting substantial (by Indian standards) endowments from industries and alumni, and increased their commercial operations. Typically, these days the IITs earn some Rs 8-10 crore a year against a total expenditure of about Rs 40 crore, about 20-25% of total expenses. For comparison, it may be noted that private universities in the US earn nearly 80% of their expenditure. So, the IITs have much farther to go before they can compare with American private universities. Unfortunately, IITs face more difficult obstacles.

The cost of education in a prestigious private university in the US is around $30,000 – roughly the same as the per capita income in that country. Even after paring costs down to the bone, the cost of education in an IIT is around Rs 100,000 a year, less than 10% of American costs but seven times the per capita income of the country. An American student pays an average fee of about $6000, about 20% of per capita income. IIT fees are already twice the per capita income. So, relative to *the paying capacity of an Indian*, IIT costs are ten times higher than in the US. So, relatively speaking, IITs need much larger support than do US universities.

Unfortunately, Indian industry is not particularly interested in technology development; it has little use for the kind of expertise the IITs possess. What little it asks for rarely challenges the talents of IIT faculty. Hence, projects offered by Indian industry do not enrich IIT faculty professionally the way American industrial contracts do American faculty.

Costs, Prices and Subsidies in United States Colleges

(All prices in US dollars)

Item	Subsidy	Cost	Net Tuition Fee	Price Cost Ratio (%)
Private colleges	8673	15,312	6639	43 4
Public Institutions	8917	10,150	1233	12 2
Decile 1	24,112	29,894	5782	19 3
Decile 2	11,765	15,747	3982	25.3
Decile 3	9768	12,966	3198	24.7
Decile 4	8603	11.297	2694	23 8
Decile 5	7728	10,444	2716	26.0
Decile 6	6940	9800	2860	29.2
Decile 7	6235	9179	2944	32.1
Decile 8	5535	8658	3123	36.1
Decile 9	4702	8357	3656	43 7
Decile 10	2620	8419	5799	68.9

Source: G.C. Winston, 'For-Profit Higher Education', *Change*, January 1999, pp 13-19

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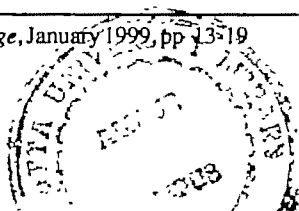
Indian industrial projects are few in numbers, pay little and are professionally not rewarding. Thus, there are fears that IITs are taking serious academic risks by seeking support from Indian business. At the same time, it must be admitted that even the little IITs have attracted has mostly come from abroad, very little from Indian business. In any case, to this day, the burden remains largely on the government.

The cost of quality education is heavy and the government is poor. Basically, the government is in a sorry predicament because it has spread itself thin. There are 8000 colleges in the country (over 500 of them are in engineering) and a new college is started every other day. Most colleges in India are heavily subsidised, proportionately even more than the IITs. If the government restricts itself to educating the numbers actually needed by the economy, substantial funds will be released and the financial burden will become manageable. Suppose the number of graduates of the previous year who secured gainful employment is taken as a guide to limit the number of students admitted to any course. Many wasteful and unnecessary courses will then fade away, and so will the cost of higher education. To enforce compliance, a rule may be introduced to the effect that every graduate will be guaranteed a job or fees will be refunded (and the time lost too will be suitably compensated).

Then, higher education will become selective and cease to be a democratic right. In India, as a remedy for centuries of inequity, the government has decided that higher education (even in private colleges) should be largely reserved for backward caste students. Politically, the pressure from backward castes is increasing for even more reservation. In this case, if the numbers admitted to colleges is limited to the number supported by the economy (and affordable by the government), increasing numbers of meritorious students from upper castes will be denied higher education. On the other hand, if colleges are forced to go private and self supporting, the rich will benefit and the poor will be left out. Alternately, costs may be pared down. Whichever way, quality will suffer. However, do we need quality? Some of our politicians have vociferously spoken against quality in higher education for fear that it will hurt the backward classes. If it is decided to sacrifice quality, the problem may be resolved without much difficulty. On the other hand, if the country wants at least a few institutions like IITs to be internationally competitive, the issue becomes complex. Either way, it is a matter of political choice.

In this situation, whither IITs? Or, should that be wither IITs? An anecdote about Birbal is worth recalling. It is said that Emperor Akbar once saw a tribal woman deliver her baby in the middle of the forest without any help and resume her way back home carrying a large bundle of firewood. Highly impressed, he ordered that henceforth, women in his harem would not get any medical aid to deliver babies. The women, much alarmed, appealed to Birbal for help. A couple of weeks later, when Akbar was strolling around in the garden with Birbal, he was shocked to see his precious rose plants all withered. Naturally, he was furious with the gardener. Birbal then intervened saying that forests have mighty trees though no one ever waters and nurtures them. Why then, should roses be pampered? Akbar took the hint and withdrew his order about abolishing medical attention to the women of the harem.

Autonomy: the MCC experience

VINCENT KUMARADOSS

WHEN the idea of setting up autonomous colleges was mooted at the national level in the 1960s, Madras Christian College, which had completed 125 years of its educational service in 1962 as a premier institution of higher education, began to contemplate a 'new role' for itself in the post-missionary phase. The mantle fell chiefly on the first Indian principal of MCC, Chandran D.S. Devansesan, who later became the Vice Chancellor of North Eastern Hill University, Shillong, to chalk out the future course of the college in the area of physical assets, innovative curricular and co-curricular programmes, and alumni and public relations.

In the academic year 1963-64, the college launched a self-study project under Devanesan's guidance to review its role, examine its past record, assess the present potentialities and set its priorities for the future in 'light of the new demands on educational institutions arising from the rapid advancement of knowledge in recent years and from the revolutionary changes in the political structure, the social fabric and the economic objectives of the country.'[1] This project was based on the broad understanding that, 'no institution can stand

1. Proposals for Planning Session – 1970, Madras Christian College, Chennai, Unpublished mimeo.

aloof when everything around it is involved in change, and that no institution can make a positive and constructive response to these changes without a well-formulated plan based on its own drive and initiative.'

Two major consultations were held under the auspices of the self-study project, with preliminary exercises carried out at various levels, particularly the departmental. The outcome of the first consultation was published as a booklet, Rethinking our Role as a College (May 1964), which was primarily concerned with a review of the performance of the college and its auxiliary units, and the initiation of planning for the future. The second consultation resulted in the publication, Developing a College in a Developing India: Summary of a Ten Years Plan of Development for the Madras Christian College, 1965-1975 (May 1966). Based on these consultations, the college embarked on the specific task of programming future activities, to be initiated as and when the college had the freedom to decide its own academic policy and the funds to support it.

It decided to work out a plan on the grounds of selectivity and autonomy so clearly enunciated by the Robbins Report. The report (1963) submitted by Lord Robbin who led the British Committee on Higher Education in U.K., laid down among the criteria for new universities, a campus of over 300 acres and a location away from big cities. The Madras Christian College, with a 363 acre campus, a variety of. plant and animal life in the suburban town of Tambaram, bestowed with teaching, administrative, residential and recreational units fulfilled this requirement.

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Autonomy came to be viewed as an essential feature and ideal of institutional planning. The Kothari Commis-

sion on Higher Education (1964-66) had recommended the establishment of autonomous colleges. However, a final and definite scheme was evolved only in 1972. In the interim, the Madras Christian College went ahead with its institutional planning so that it was in a state of preparedness when chosen as the first among the 50 colleges throughout India to be conferred an autonomous status.

The criteria laid down for autonomous colleges is best stated from the recommendations of the Education Commission:

Where there is an outstanding college (or a small cluster of very good colleges) within a large university, which has shown the capacity to improve itself markedly, consideration should be given to granting it autonomous status. This would involve the power to frame its own rules of admissions, to prescribe its course of studies, to conduct examinations and so on The parent university's role will be one of general supervision and actual conferment of the degree The privilege cannot be conferred once and for all – it will have to be continually earned and deserved and it should be open to the university, after careful scrutiny of the position, to revoke the autonomous status if the college at any stage begins to deteriorate.

Autonomy thus provided the college academic freedom to revise and update the curriculum and content of the syllabus, to introduce new courses of study, and devise innovative methods of teaching and evaluation in order to ensure a higher quality of education and performance. The autonomy involved in the scheme was academic and not financial. The funds for the autonomous colleges were to be drawn from the UGC and the government, which implied that the norms prescribed by the funding agency for admission (reservation, etc.), recruitment of staff (qualification and size of the department etc.) were to be strictly adhered to. Moreover, since the autonomous college depended on the government for

financial aid, there had to be constant and continuing interaction with the government at the level of Director of Collegiate Education and the Secretariat. The autonomy granted is thus not permanent but subject to periodic assessment by a review committee constituted by the UGC, the state government and the university.

Some at Madras Christian College visualised the concept of autonomy very differently. Their notion of 'autonomy' did not favour any financial linkages with government agencies. For them, genuine autonomy in pursuit of academic excellence, knowledge or truth meant full freedom and independence; that autonomy structured around the norms and codes of the financial benefactors was counterfeit and could not be expected to maintain its perceived goals and ideals. This expansive vision of autonomy was articulated in the following terms:

The concept of autonomy arises from the conviction that some educational institutions will achieve their purposes better by self-government than with the public authorities breathing down their necks Designing one's own syllabus, setting one's own norms – these are aspects of autonomy, but secondary aspects. It is the raison d'etre of the concept that needs to be focused on
The autonomy of a university or college, like that of the judiciary, involves freedom from state control and the exigencies of social pressure to pursue its own values – truth in the one case, justice in the other It is the responsibility of an autonomous institution in a free society to examine issues independently of state policies and to function as the conscience and critic of that society. This role cannot be fulfilled if the institution is subservient to the government. . Well, the academic freedom, ► am talking about will not be handed out on a platter by a government agency It is always the result of a long struggle in which a community of scholars pits ideals against its rulers, and persuades society to commit itself to providing academics with the freedom they need to do their job [2]

2. H.R.T. Roberts, 'Autonomy as She is Don in', The Madras Christian College Magazine 1981-82.

It was argued that the MCC as an autonomous college was bound to become elitist. It was claimed that the college, in its new *avataar*, would exclusively cater to the needs of upper middle class and high-income groups with a good command over English, and drawn mainly from urban areas. In other words, it would deny the under-privileged the opportunity to gain access to this premier institution.

Despite these misgivings, the Madras Christian College entered the new phase as an autonomous college in 1978 with great enthusiasm and hope; the so-called sceptics were actively involved in the process of the college working its autonomous status. The newly acquired academic freedom was nurtured in all earnest-ness so as to achieve academic excel-lence, social relevance and religious vitality.

Within a few years of working autonomy, the positive and negative aspects of the system become evident. While the apprehension of the college drifting into elitism was belied, prima-rily because of the reservation policy of the government, the other misgiv-ings proved to have some basis. Com-menting on four years of autonomy, it was observed:

Our use of the word 'autonomy', confined as it is to the right to draw up a syllabus and evalu-ate students without reference to the university, is not just a sadly attenuated version of the original concept, our main thrust is differently directed. Out colleges are not bodies of schol-ars jealous of their intellectual independence and anxious to pursue truth without bureau-cratic interference; they are simply institutions that hire men to train the coming generation in some of the basic skills needed to make its members employable Nor do we often get stu-dents who want anything more than the marks that will get them the certificates that will get them the jobs In this situation autonomy could mean a cheerful arrangement between the teacher and his class by which the latter get marks and former is absolved from work. It is anguine to suppose that this never happens or even that it happens infrequently.[3]

This comment is a pointer to the current state of affairs in the college. It also highlights the crucial role of teachers in autonomous colleges. A competent teacher or an academically sound faculty alone can design a 'chal-lenging, inspiring and useful curricu-lum.' The sustainability of a superb or excellent curriculum and syllabus is the core to the success of autonomy, which depends on the merits and demerits of the teacher concerned. A study (1981) by a student on autono-mous colleges, using Madras Chris-tian College as a case, pointed out that:

An excellent syllabus may be framed, good students, good library facilities, and proper management of the examination system – but all this will be of no avail if capable teachers are not around . . In an autonomous college much depends on the teachers who are put in charge of imparting education to the students. They need to have the required competence to teach subjects and they must have the aptitude for teaching as only then new methods of teaching can be used. A syllabus, which is excellent by nature, needs proper handling or will not serve any purpose at all. This leads directly to proper recruitment of teachers. . This is a factor which needs to be considered by all autonomous college in India, as innova-tions are of no avail if the right kind of men are not behind the most excellent machines [4]

Similar concern about the quality of teachers was voiced by a teacher at MCC. He demanded that the teachers in an autonomous college should be at par with university teachers in quali-fications, achievements and pay; the college should be 'prepared to pay the price for quality teachers.' However, his experience made him categori-cally declare that:

Teaching technology is once again left to the originality and freedom of a resourceful teacher, but still one would be pained to hear that some teachers survive even today only by dictating notes, even at the post graduate level and that too in autonomous colleges. Yet other

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3. Ibid
4. P.W.C. Davidar, 'MCC (autonomous)· A Student Survey', *The Madras Christian Col-lege Magazine*, 1981-82.

teachers who cancel classes or never even turn up have obviously taken up a career for which they have no real aptitude and are dis-honouring the dharma of a guru.[5]

The remedy suggested to cure this malaise is proper recruitment of teach-ers. Failure to adopt proper selection procedures to attract quality teachers will lead to a decline in academic standards – as the Madras Christian College experience at one level con-firms. Inordinate delay in sanctioning grants for filling vacant posts and the creation of additional posts is a major constraint, leading to the employment of mediocre teachers. Under such cir-cumstances, the college has willy-nilly to depend on a teacher who is willing to work for the meagre salary provided by the management till the post is sanctioned, which normally takes six to seven years. Only a per-son who cannot find placement else-where will fit this category. Having served the college for half a dozen years, the college is constrained to regularise him when the post is sanc-tioned. This process precludes the likelihood of recruiting competent teachers.

This is apparent from the fact that the *only* privilege enjoyed fully by an autonomous college is in the sphere of framing the curriculum and course content. The newly acquired aca-demic freedom gives considerable scope to be innovative and flexible in the area of designing the syllabus, introduction of new courses, devis-ing techniques of evaluation. It is sig-nificant that in autonomous MCC, the curricula in several courses were revised and updated, new courses introduced, testing techniques diver-sified. Overall research and extension programmes received impetus. A member of the MCC faculty wrote:

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5 P. J. Sanjeeva Raj, 'Reflections', *The Madras Christian College Magazine*, 1984-85.

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I think one must admit that things could actually get worse with autonomy as we have it... Scientific education subserves technology and so has obvious value in our scale. But the humanities, besides churning out clerks, could be valuable to the extent that they transform individuals into critical and creative citizens, who could in turn transform the society of which they are a part ... This classical function of the humanities can only begin to be operative when they are engaged in at a serious level. It is at this point that I see autonomy, even in a diluted form, as our one hope. University courses in the humanities go no further than inducing the level of literateness and informativeness that is required of subordinate officials. The teacher in an autonomous college is given the chance, the almost breathtaking responsibility, to raise the humanities into their transforming role. Perhaps it would be realistic to see that this chance will not be availed of but, at least, for us, it is there.[6]

In other words, the field is fertile for autonomous institutions to exploit the freedom in the academic realm. But this opportunity could be squandered away leading to stagnation and erosion of academic standards and indifference to the academic autonomy granted. An autonomous institution can easily slip into complacency when its teaching community lacks vigour; MCC is not immune to such trends. A recent paper by the students pointed out that the college had not assessed the curriculum in-depth for almost 20 years, though a few revisions in syllabus had been made. Worse, that the difference in graduate and postgraduate programmes was insignificant.[7] All this would not have happened had the teaching community been alert to the changing needs of the times. Students being the ultimate judge of the success or failure of any academic institution, these comments clearly show that the burden of getting the best out of the autonomous colleges rests on the quality and motivation of the teachers.

6. H.R.T. Roberts, op cit.

7. College Curriculum: Student Perspective, paper read at the millennium seminar, MCC, February 2000

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Whither equity?

REKHA KAUL

INCREASING privatization of higher education, an issue of deep concern for many, is now an accepted reality, more so when viewed against the backdrop of the ongoing structural adjustment programmes. In this new market oriented milieu, the debates around privatization of education have centred on areas related to financing, fee structures and government regulations.

Unfortunately, critical issues with wider sociopolitical ramifications have often been glossed over. Neither legislation nor any concrete government measures have seriously looked into areas of access and equity; nor have concrete steps been taken to address the issue of quality education.

Meanwhile, the number of private professional institutions lacking basic infrastructure have grown and, court verdicts making education a fundamental right notwithstanding, the collection of high fees for professional courses continues unabated.

In India, privatization made inroads into the sphere of professional education long before the World Bank suggested cutting subsidies to welfare and development programmes. A.R. Desai, on the state of education in the country had remarked, 'Even

under the guise of constitutional obligations, the state of India has absolved itself of its responsibility to educate all.' Indeed, education has turned out to be a boon for a privileged few. Among the reasons has been the inherent contradictions within the Constitution – its commitments to egalitarian objectives on the one hand and the rights guaranteed to private interests on the other by virtue of the right to freedom of choice. Added to this has been the state's unwillingness to invest adequately in education. In today's context of free competition, private ownership and market orientation, the connotations of 'freedom of choice' have acquired commercial overtones.

Professional colleges charging capitation fee are reflective of such commercialization. The term 'capitation' refers to huge sums of money and deposits demanded by private institutions, especially medical and engineering colleges, for granting admission to prospective students. The system of capitation fee began first in the state of Karnataka and soon spread to Maharashtra, Tamil Nadu, Kerala and Andhra Pradesh – this despite several official pronouncements and legislation, including the July 1992 judgement by the Supreme Court quashing charging of capitation fee and making it obligatory for the state to enable the citizens enjoy the constitutional right to education.

But was it just lack of state funds which allowed the unbridled growth of the capitation fee phenomenon? Why is it that despite the 'historic' 1992 Supreme Court judgement, the system continues of flourish, albeit under a different guise? To better understand this we need to set out a brief historical perspective before analysing some implications of the Supreme Court judgement.

The system of education introduced by the British in India in the 19th century was motivated mainly by their political, administrative and economic needs. The colonial policy neither aimed at developing India into an industrial nation, nor did it provide for medical and technical education.

The narrow growth in education under the British was sought to be corrected after Independence. A need was felt for professional and technical manpower to meet the requirements of a developing economy. Thus, the government set up the IITs, regional engineering colleges and medical colleges. However, state efforts proved woefully inadequate with just about 3% of its GDP invested in education. Given such paucity of state funding, private initiative in education was permitted within the constitutional framework to, ostensibly, supplement state effort.

Most such private initiatives came from caste-based associations of lower and middle castes in Karnataka, Maharashtra and Tamil Nadu. They had been looking at their own socio-economic upliftment in the face of oppression from upper caste Brahmins. The growth of private professional colleges began in the 1950s; the first of such kind was set up in Karnataka. The main objective behind the setting up of such institutions was initially to promote political power and gain material benefits and social prestige for the caste groups, such as the two contending middle castes in Karnataka, the Vokkaligas and the Lingayats. However, over a period of time these objectives underwent change and acquired an entrepreneurial character wherein profit became a major motivator.

The economic status of the parents became the single-most important determinant in the selection of

students to such private professional colleges. Even among their own boys and girls, caste-based managements began giving preference in admissions on the basis of the student's capacity to pay. The system thus only succeeded in manifesting the functioning of the rapidly growing elite sector of the professionally educated in India.

Such private colleges mushroomed with little concern for providing quality education. Rather than using the rush of admissions to professional courses to impose higher academic standards, the state governments allowed the managements of these private colleges their quota of seats which were filled for political and other non-academic considerations.

There were compelling reasons why state governments yielded to the pressure of various sectional minorities and entrepreneurial interests in order to protect the private managements of such institutions. And here the close interplay of caste, class and power in education assumes significance. The managements maintained a close link with vested interests – caste leaders, politicians, businessmen and government officials. Community and caste colleges were often supported by religious leaders and their *mutts* and served as vote banks for caste leaders. While parochial and commercial interests continued to prevail, the state governments were only able to create a semblance of a balancing act between the demands of the various pressure groups, and they sanctioned more of such private colleges.

With the government at the centre in the 1980s and 1990s showing greater commitment to economic liberalization, reduction of controls and a market friendly approach, commercial initiatives by interest groups

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such as the middle caste elites and other community groups received a further impetus.

In all this, left to the vagaries of the market, how to choose an appropriate college became a major issue for aspiring students. Since state-run colleges were few in number, the only other option was a private college, that is, for those who could afford the high capitation fees.

Despite public outcry against the charging of capitation fees, only lukewarm measures were taken by the states, such as a superficial regulation of fees and setting aside a minuscule merit quota. No strong policy initiatives were undertaken. It was as late as 1992 that the Supreme Court came forward with a judgement which held that the capitation fee system represented a potent denial of a citizen's right to education under the Constitution; that it was obligatory for the state to establish educational institutions at all levels to enable citizens to enjoy the constitutional right to education.

When in May 1992, two months after the Supreme Court judgement, the Ministry of HRD at the centre laid down a fresh set of guidelines for admission to private professional colleges, it was widely welcomed. In another judgement (Unni Krishnan v. State of Andhra Pradesh), the new directives entailed that admissions to private institutions would now be on the basis of a merit list following a common entrance test. Half the seats in a college would be free for which students were required to pay fees as prescribed by the state governments; the remaining would be payment seats for which the charges would be a great deal higher.

The criteria of eligibility was to be the same in respect of both free and payment seats – that is, merit. However, a private institution would be entitled to reserve some seats based on specific criteria. For instance, a minority college could retain a few seats for its own community candidates, though admissions would be merit based.

The idea behind the Unni Krishnan judgement in devising the free and payment seat scheme was to provide enhanced opportunities to meritorious students who may otherwise not be able to pay the enhanced fee prescribed by the government for such colleges. Such a system would mean correspondingly greater financial burden on payment students; the rationale for the method being 'that a candidate who is stealing a march over his compatriot on account of his economic power should be made to pay not only for himself but also for other meritorious students.'

This judgement, in its 'social justification' argument behind the 50% rule of free and payment seats, failed to recognize that merit based on a competitive examination is almost always likely to favour those with better quality schooling and consequently the more affluent students. The students in the top bracket who qualify for the Common Entrance Test would have, in most cases, access to better coaching. They would also be allocated free seats. If a study were to be undertaken on the socioeconomic background of such students, their family-income profiles would, in most cases, also prove to be higher.

Research proves that access to education is determined by one's position in the socioeconomic hierarchy. Given the inability of the weaker sections to see their wards through school education, their elimination takes place well before they reach the level of higher education. When there is little equality at the elementary level, it is hard to conceive of equality at the higher levels of education. Here the rhetoric of equal opportunity can only benefit those sections who have already benefited from the state's inegalitarian policies.

The Unni Krishnan judgement in its zeal to do away with the capitation fee structure devised a system wherein the bottom half of the merit students, who are likely to be more from the lower income groups, would cross-subsidize the top fifty. The judgement seems to have misplaced the issue in terms of the notion of equal opportunity vis-a-vis education. For, in such a situation, a common fee structure across the board, with scholarships for the needy would have seemed more rational. What has happened on the other hand, is the persistence of the elitist base of our educational system where not more than 6% of the educated youth gain entry to professional colleges. Such a disorder cannot be tackled without the state intervening in the issues of better schooling, quality, as well as equity.

However, even while the Unni Krishnan judgement tried to deal with the capitation fee system in its own way, the state governments and the centre have defaulted on several counts. Merit based education, free and payment seats seemed like transitory arrangements. Transparency in admissions was required but, even after the judgement, neither the states nor the centre have come forward with effective measures or legislation. The payment quota students have to pay a whopping fee of over a lakh of rupees annually for a course lasting 4-5 years. The seats for the nonresident Indian (NRI) quota are left to the discretion of private managements and the going rate per student is $50,000 and more.

The intake of students often exceeds the stipulated number, though

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lately, in Karnataka, the courts have been firm in not permitting excess intake. But in many cases, private managements have artificially enhanced the number of management seats while settling waitlisted cases or backlogs. At the same time, since most private institutions are run by caste or community based managements, there is clamour for more seats for students belonging to the respective caste or community group. And when one minority institution succeeds in acquiring a larger percentage of seats, there are protests and demands from other groups.

In Karnataka, for instance, the state government has accorded permission for five new engineering colleges from the academic year 1999-2000 and one each to the Kamma, Reddy and Kodava Sanghas. This has been done to appease some lobbies as also because of the pressure of elections. In June 1999, the centre approved the Yenopaya Medical College in Mangalore run by the Islamic Academy of Education and a dental college in Kodagu run by the Kodava Sangha. Two more medical colleges are likely to be approved by the centre while 17 other such colleges have been given clearance by the state government.

Such a mushrooming growth is bound to have an impact on the already poor standards. Greater responsibility needs to be shouldered by statutory bodies like the All India Council for Technical Education (AICTE), the Medical Council of India (MCI) and the Dental Council of India (DCI) in ensuring standards and in seeing that recognition is not granted to colleges without the required infrastructure.

The restructured fee is so steep as to permit only the rich and affluent to gain entry to such colleges. The UGC had in May 1999 recommended

a 1:10:20 formula while determining the fee pattern for three self-financing, deemed-to-be universities at Chennai, Pune and Manipal, a formula which is likely to be extended to all private unaided professional institutions in the country. For example, if a free seat student pays Rs 1000 as tuition and development fee, for a payment seat one will pay Rs 10,000, while the NRI seat student will have to pay Rs 20,000.

While restructuring and regulation interventions of this kind have been attempted from time to time, these have institutionalized, in many ways, the erstwhile capitation fee phenomenon. The present system also ensures that the advantages of professional education accrue to those who can pay for it. Though the court interventions can be read as steps to partially correct the existing disorder, the situation is beset with contradictions. On the one hand is the Supreme Court emphasizing education as a fundamental right for all; on the other is the policy of wholehearted privatization being pursued by the government. How do we reconcile this?

For any long-term impact, it is abundantly clear that it is necessary to go beyond the issue of the quantum of fees to be paid. More crucial issues of justice and equity, such as quality schooling for the underprivileged, access to higher education to a wider section of society and extending privileges to deprived communities, need to be addressed. Unless government policies can reflect how the required social transition can be brought about effectively, facile administrative measures and limited, though well-meaning, judgements can serve as palliative. Our debate, therefore, has to shift to these wider social concerns to make any significant impact on policy-making.

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Continuing confusion in Nepal

C K LAL

AS a society controlled by autocratic rulers and mired in casteist orthodoxy, formal learning in Nepal continued to be accepted as an exclusive domain of Brahmins till the end of the 19th century. Even among the Brahmins, transfer of knowledge was through the informal channel of (master apprentice) *guru-shishya parampara* rather than by going to formal centres of learning. It was only at the beginning of the 20th century that a significant number of boys from well-off sections of the priestly classes started journeying to Banaras to become Sanskrit pundits. On their return, some of them established Sanskrit schools to replicate their kind in the kingdom.

The first post-school centre of western education was established as late as 1918 in the capital, Kathmandu. The Tri-Chandra College was jointly named after the reigning monarch, King Tribhuvan, who was a titular sovereign, and hereditary Prime Minister Chandra Shamsher, who ruled the kingdom with an iron hand. It is reported that Maharaja Chandra Shamsher, after ceremonially opening the college, confessed to his clansmen that he had initiated the cause of their ultimate downfall. Evidently, absolute rulers are in absolute fear of higher education.

The Rana oligarchy was thrown out in the winter of 1950-51 after years of struggle by a highly motivated group of people educated in India and inspired by its independence struggle. The spread of education was one of their most cherished ideals. Schools mushroomed all over Nepal; colleges were established in the valley. The need for a university was acutely felt, even though the number of students pursuing higher education was insufficient to justify one. It may have been so because, 'Like flags, anthems, armies, airlines, and atomic energy commissions, universities are part of the paraphernalia of sovereignty.'[1]

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1 Edward Shills, Modernization and Highc Education (a VOA Forum Lecture), in Myro▸ Weiner (ed), *Modernization Dynamics o Growth*, Washington D.C., 1966

The first university in the Himalayan Kingdom was established in 1959 after the Nepal Congress won the first ever parliamentary elections with a two-thirds majority, and its charismatic leader B.P. Koirala became the popularly elected prime minister. Prior to its establishment, colleges in the country were merely teaching centres with their examinations conducted by Patna University to which they were affiliated. Continuing with the same model, the newly established Tribhuvan University became more of an affiliating body than a centre for generation and transfer of knowledge.

Colleges had started to come up under the leadership of committed educationists supported by private endowments. These colleges, such as Mahendra Morang at Biratanagar, Thakur Ram at Birgunj and Ram Swaroop Ramsagar at Janakapur, in addition to premier institutions like Amrit Science in Kathmandu, were established at the initiative of private individuals and supported by the local community. They had their own autonomous governing bodies to manage them. The role of Tribhuvan University was limited to setting the curriculum, conducting examinations and awarding degrees.

In April 1960, King Mahendra visited the US and returned home to dissolve Parliament, suspend the Constitution and imprison most leading politicians of the day, including Prime Minister B.P. Koirala. In a retrograde step that Jawaharlal Nehru termed as 'putting the clock back', the King assumed absolute power. Under the 'Land and Climate Theory'[2] of the Panchayat Constitution promulgated

by the King in 1962, ideas of freedom were decreed to be 'foreign' and the purpose of education became the indoctrination in the new ideology of basic or 'grassroot democracy' being championed by the military dictators of Indonesia and Pakistan. Intellectual servility came to be expected of university teachers; simultaneously introduced was the tradition of rewarding conformists with lucrative government assignments while sternly penalizing dissenters.

The academic environment started deteriorating even faster once King Mahendra heeded the advice of the Education Advisory Council to revise and update policies to better address Nepal's educational and development needs in accordance with the political ideology of the day. In an apparent shift of policy, the 1956 Education Plan of the National Education Planning Commission was scrapped and a new National Education System Plan (NESP) was introduced in its place in 1971. An early move was the nationalization of community owned or privately managed colleges and turning them into integrated campuses of Tribhuvan University.

The ousting of 'motivated' community managements of colleges by integrating them with the university, and placing the system under the administrative control of a National Education Committee appointed by the King, had disastrous consequences. This killed private initiative in education and burdened the treasury with all the obligations in the field. Teachers became government servants and campuses turned into breeding grounds of mediocrity and blatant factionalism.

The teachers' agitation (in 1976, an agitation led to the arbitrary dismissal of several university teachers), the students' agitation (in 1980, it was one such students agitation that led to the announcement of a referendum calling upon the electorate to choose between multiparty democracy and an 'improved' panchayat), and employees' agitation even at far flung university campuses became routine. The government took a confrontationist attitude towards the university when it felt that the main function of student unions and teachers' associations alike was to oppose the panchayat system. This drove away the fearful middle class to colleges and universities in India. The elite deserted the educational institutions of the country and sent their wards abroad for higher education.

In a display of mixed-up priorities, the government set up the Mahendra Sanskrit University in 1986 and placed all the Sanskrit colleges under it. It continues to be a white elephant set up for false prestige – for a student strength of 1237, it has 352 teachers, 367 employees and spent more than NRs[3] 50,000 per student of public money last year.[4]

The people's revolution of 1990 led to the overthrow of the 'guided democracy' of the panchayats and re-established plural politics. Since university teachers had played an important role in the struggles preceding the cancellation of the panchayat constitution, the interim government rewarded them by liberally granting tenured status. Overnight, the salary bill bloated without any visible impact

2. Dubbed so by Prakash Chandra Lohani in the seventies, because 'uniquely suited to Nepali soil and climate' was King Mahendra's explanation for introducing a barely concealed

absolutism. In one of those ironies of political history, Lohani became one of the most ardent apologists of the panchayat system in his later years.

3. The exchange rate with the Indian rupee is fixed at IRs 100 = NRs 160. Usually, banks add a small service fee on the officially fixed exchange rate

4 Annual Report (p. 5 and 15), University Grants Commission, Kathmandu, 1999.

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on either the quantity or quality of teaching. Even the lower middle classes of the valley now preferred to 'buy' certificates from across the border in India than have their offspring endure the ritual of 'learning' at the local campuses of the university.

Meanwhile, private schools had started to come up in various urban centres. These 'boarding schools' catered to children of the middle classes unable to make it to Indian hill stations, and were poor parodies of Indian private schools where the upper-crust of Nepali society traditionally sent their children to learn correct English pronunciation and master the proper dining etiquette. Graduates from these schools looked at the Tribhuvan University campuses with scorn and preferred to go abroad for further studies.[5]

Under pressure from enterprising educationists, donor agencies promoting privatization, and influential parents anticipating easier entry into technical education run by profit-seeking businessmen, the government opened up higher education to private sector investment. It may have been a coincidence, but many capitation fee based engineering and medical colleges in the states of Maharashtra and Karnataka in neighbouring India were looking for an opportunity to extend their business empires and Nepal represented a lucrative market. The Patils and the Pais discovered the land of Pashupatinath, and set up signboard engineering and medical colleges without much groundwork. Affiliation to Tribhuvan University was a cumbersome process which already

had well-functioning engineering and medicine faculties by then.

It was in such an environment of flux that Kathmandu University was set up in 1992, promoted by some senior teachers of Tribhuvan University who didn't see much of a future for themselves at the old institution under the new dispensation. Though ostensibly a private institution, Kathmandu University is supported by 11 national and international bodies, apart from the government and the University Grants Commission (UGC). Last year, the UGC grant to Kathmandu University was more than NRs 7000 per student which, though much below what Mahendra Sanskrit University receives, is way above the paltry NRs 276 per student that affiliated private colleges of Tribhuvan University were given in the same year.[6]

Courses available at the Kathmandu University appear to have a pronounced bias against the humanities and social sciences; it does not offer a single programme. Though its School of Arts does offer a Bachelor of Arts in Music, most of its 982 students are in schools of science, management, education and particularly engineering, with much-in-demand courses in computers, electronics and environment. More glaringly, it grants affiliation to capitation-fee based private medical colleges, even though it does not have its own faculty in that discipline. The number of students in its affiliated colleges (1425) far exceeds the number currently enrolled at its own schools. However, their total at around 2000 is no match for the 100,000 students attending Tribhuvan University.

Kathmandu University is a high profile institution mainly because it has emerged as an attractive option for

those well-off families which earlier sent their progenies to India for higher education. They can now despatch their children to an exclusive institution without fearing the 'polluting' influence of local politics. Fee barriers erected by Kathmandu University provide a strong deterrent for those from modest backgrounds. It is definitely not an institution meant for the hoi polloi.

Kathmandu University has rekindled an old debate – that of accessibility versus excellence. An influential segment of academics, even at Tribhuvan University, is of the opinion that higher education cannot be provided to all. They advocate a barrier to screen out students with more enthusiasm than ability. In their opinion, overloading limited higher education facilities with students who have neither the aptitude nor the dedication leads to quality loss. To that criterion, Kathmandu University has added one more; in addition to being brilliant, a student must also be well-off to engage in intellectual pursuits.[7]

Given such conditions, it is not surprising that most students of Kathmandu University aspire to go abroad. It is too early to see a visible impact, but conversation with Kathmandu University students are revealing. 'This country has no future,' is the most commonly heard refrain on the campus. Coming from the students of a university boasting academic ties with premier institutions like IIT Chennai and Pennsylvania State University, such comments are indicative of where they are headed after completing their courses.

Meanwhile, Tribhuvan University continues to groan under the pres-

5. 'Dad, if I study in a local college, I will become a *khate* (rag-picker),' was a typical comment of one such private school graduate to his engineer father. It was, and still is to a large extent, a representation of the contempt yuppie kids of the country have for local institutions of higher learning

6. Annual Report, UGC, *ibid*

7 An identical trend was noticed in India by editorial writers. 'Instead of rationing by marks, we could see rationing by rupees.' *The Times of India*, 16 February 2000

sure of nearly 100,000 students, geographically spread out in campuses across the country. It was to streamline these facilities and turn them into manageable units that the National Education Commission had recommended setting up regional universities in 1993. In accordance with the intent of that recommendation, the Parliament passed the Poorvanchal University Act in 1994 and the Pokhara University Act in 1997, raising the number of universities in the country to five.

Tribhuvan University, along with its affiliated colleges, continues to bear the burden of close to 100,000 students in different disciplines, nearly 17,000 of them in technical streams. In comparison, Mahendra Sanskrit University has a little over 1000 students, Kathmandu University slightly over 2000, Poorvanchal has all of 71 and Pokhara the same – in the latter two, all at affiliated technical colleges charging market fees. Apparently, the intention behind regional universities has not worked.

At the root of this problem lies the unwillingness of Tribhuvan University teachers and employees to go to the newly set up universities. Thus, while Pokhara is the base of Pokhara University, set up to serve as a western regional university, its lone affiliated engineering college[8] is based in Kathmandu. All other colleges in Pokhara – engineering, humanities and forestry – are with Tribhuvan University. The story is the same with the Biratnagar based Poorvanchal Uni-

versity. It too has been unable to attract the eastern region's most reputed college in the same town – Mahendra Morang. The state, and the central university, continues to shoulder the responsibility of higher education in the country.

Recently, even state-funded institutions have been bitten by the privatization bug, no doubt under the 'persuasion' of bilateral donors and multilateral 'loaners'.[9] Till 1997, Tribhuvan University continued to attract the best and the brightest of the school leaving students for it offered quality technical education at affordable prices. Subsequently, the university was impressed upon to raise more internal resources which it did by getting into the mode of what is called the 'full-fee paying scheme'.

The average yearly per capita cost of educating a student at Tribhuvan University's Institute of Engineering, Pulchowk, was estimated to be NRs 31017 in 1998.[10] Students pay only about NRs 1,100 per semester. From 1998, the institute has introduced a full-fee paying scheme where students who score merely the bare minimum at the entrance examination are given admission if they can afford to pay NRs 26,865 per semester. This has led to an increase in recovery rate[11] from 4% to 29%, further expected to rise up to 50% within a few years.[12] A similar scheme is being implemented at the Institute of Medicine, though less in demand courses under the Ins-

titute of Agriculture or Institute of Forestry continue to be fully funded by the government.

The privatization of engineering and medical education in the country is turning these professions into even more of a preserve of the rich. Meanwhile, the drive for privatization has failed to make any impact on the quantity or quality of education in humanities being offered by the various campuses of Tribhuvan University, the largest institution of higher education in the country.

Simultaneously, institutions offering courses in business management, travel and tourism, information technology and foreign languages have started to come up in Kathmandu. They boast of affiliations with foreign institutions[13] and charge a fortune.

The impact of privatization of technical education can be clearly seen on three fronts. First, technical campuses are fast becoming the preserve of the elite and the ambitions of students are changing from 'serving the nation' to 'going abroad' and 'earning lots of money'. Second, since teachers have more lucrative opportunities in private sector colleges, training institutes, consulting organizations and NGOs, they work 'full time outside and part time at the Institute,'[14] despite being regular employees of the latter. This tendency has diminished the knowledge generating activities of university teachers who are instead busy in

8. Interestingly, this Kathmandu based engineering college was affiliated to the Tribhuvan University in the beginning. After Pokhara University came into being, it chose to align itself with it for reasons unknown, but not difficult to guess This year Pokhara University granted affiliation to a new private sector engineering college which is actually based in Pokhara.

9 In the terminology of The World Bank, higher 'user charges' is a necessary condition of their loans for higher education.

10. From Pushkar Bajracharya's analysis in an unpublished report submitted to Institute of Engineering, Kathmandu, 1999.

11. Percentage of amount raised by the institute in comparison to its annual expenditure.

12. These estimates were presented by Prem Raj Pant and Binod Kumar Shrestha at the International Consultative Meeting on Strategy

Plan of the Institute of Engineering: 2000-2020, 10-12 December 1999, Kathmandu, Nepal.

13 For example, both the Aptech and NIIT(India) have local centres that charge higher per semester fees than even the full fee paying schemes of Institute of Engineering.

14. Quoted by Uttam Narayan Shrestha in an unpublished report on 'staff development' submitted to the Institute of Engineering, Tribhuvan University, Kathmandu, 1999.

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knowledge transfer and skill-using activities. Third, course priorities have changed. Instead of producing more electrical engineers that the country needs, the institute prefers to offer in-demand courses on computers, communications and electronics.

Privatization seems to be having a most interesting effect on higher education in humanities. Under the lure of a 'consultancy culture' spread by donor-funded NGOs, social sciences teachers have suddenly realized that they are flooded with more students than they can possibly handle, given their laid-back attitude. In addition, better students who would otherwise have gone to technical schools when the fees were affordable, now opt for courses in social sciences. Unfortunately, teaching facilities and libraries leave a lot to be desired.

This gap in what is expected and what is available has led to a lot of churning. The Department of Sociology at the central campus of Tribhuvan University was locked out by its teachers when more students demanded admission than the management could accommodate. This incident sparked off the debate over accessibility versus excellence, perhaps based on the premise that both cannot coexist. The government seems reluctant to allocate more resources for higher education, concerned as it is with the more pressing issue of increasing the rate of literacy which languishes at around 40%.

An increasing reliance on cost recovery and private funding for higher education is a distinct possibility, and with it, a further risk of excluding the have-nots looms large on the horizon. The country is going back to where it started – education as the preserve of the advantaged. Earlier, caste was the deciding factor; now it is the class of the person that matters.

Often, there is talk of reviving the tradition of setting up endowment institutions. But, the successful image of elitist Kathmandu University has become overpowering. Every entrepreneur wants to ape it, rather than set up institutions on the old pattern that treated education as the best form of charity (*vidya-daan*). There are at least two universities in the pipeline. Rajrishi Janak University is being promoted by the local government units of Janakapur region while the idea of Brij Lal Kedia Hindu University is doing the rounds in the border town of Birgunj dominated by rich Marwari businessmen. The ideal both seem to hold is that of Kathmandu University not Tribhuvan University, which is uncharitably ridiculed as being a hotbed of factional politics and mediocre education.

The debate continues to rage in Nepal whether higher education is a right of all the school graduates or a privilege for the chosen few. Advocates of universal availability reason that access for all to higher education is necessary to ensure equal opportunity. Votaries of exclusivity, on the other hand, opine that the very purpose of education is defeated when educational facilities are flooded with more students than what they can cater to; hence some screening is essential to ensure academic excellence. In either case greater investment is needed in the field of higher education than is presently being made.

There are three possible scenarios. One, the government can decide to invest more in higher education and continue to provide affordable education of indifferent quality. This seems unlikely, given the pressure of donors to make higher allocation for the extension and upgrading of primary education. Second, it can leave the field to private initiative, in which case technical education will flourish while courses in humanities will be given a go by. Standards may improve, but education will become the preserve of the elite and the best brains will go away to greener pastures. This is the present trend.

Third, the old tradition of endowment institutions run by charitable trusts can be revived. They can be given the freedom to run some technical courses on a cost recovery basis, and granted government assistance to conduct courses in humanities and social sciences. Such an option may ensure greater autonomy for the institution than the government run universities, as also greater social accountability than private initiatives. This is only being talked about, with neither politicians nor the business community showing any enthusiasm.

For politicians, option three implies losing control over the influential student-teacher community which is useful for settling political scores and drumming up support at election time. For entrepreneurs, it involves giving without getting anything in return – a true charity. That is out of fashion in the global village where no matter what one has, its never enough.

Liberalization has transformed planning into a dirty word and it is the market that is expected to have the final say. Continued confusion in higher education in Nepal is the only certainty at the moment.

Encouraging private initiatives

A MAJEED KHAN

THE legacy and experience of educational development in different countries varies according to the political background, culture and religion of the people, and economic means and objectives. The first state in the world to institutionalize education for its citizens was Greece. Greek citizens sent their sons to schools upto the age of 14 and attained near total male literacy as early as the 5th century BC.[1] The goal was political, to secure a republican form of government through an elitist citizenry. That state has long since gone but its intellectual legacy has remained the heritage of all successive civilizations – among others the Roman, Jewish, Christian and Islamic.

This article explores the prospects of private higher education in Bangladesh which inherited an educational structure hollowed of qualified human resources. Those who progressively filled the vacuum, either as teachers or students, were torn between focusing on the search for knowledge or becoming instant politicians

– conflicting values inherited from their association with the freedom movement till 1947, and the Bengali independence movement since.

During the 1950s and '60s, the higher education base was limited to a few pre-Pakistan period premier colleges and Dhaka University, and from the late '50s, Rajshahi University. The tradition of searching for knowledge dominated the community of scholars. They prided on their past collaboration with scientists and academicians belonging to top British and American universities. But while the universities in the West moved ahead in knowledge building and technological development, Bangladeshi academics remained mired in the presumed glory of the past. Students who involved themselves with politics during this period were primarily motivated by concerns of ideology or issues of national and cultural identity. 'A number of first class students who went on to earn distinctions in later life were active in student politics (of the time).'[2]

Unfortunately, during the post-independence period, the participation of students in politics was indiscriminate; this created an anarchic atmosphere in education, resulting in a steep slide in quality. In all educational institutions, education and politics became synonymous. Today, every

1. Plato advocated the state system of education in order to ensure proper education for the youth and to spare them from becoming victims to the whims or wealth of their parents. He emphasized the setting up of public schools with trained teachers who he thought would be better suited than fathers to rear successive generations for the future of the republic. E.B. Castle, 'Ancient Education and Today', in Ingermar Fagerlind and Lawrance J Shaw, *Education and National Development: A Comparative Perspective*, 2nd Edition, Oxford, Pergamon Press, 1989, p. 35.

2. Rehman Sobhan, Fourth Convocation Address, Independent University, Bangladesh, 3 June 2000.

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political party maintains a student cadre, mainly as campaign workers, to ignite the fire of agitation and bear the brunt of any violent consequences. Hard cash is used to buy loyalty and firearms supplied for their operations. The resulting mix of politics on the campus and the government's reaction to it has given rise to factionalism and inter-group conflict leading to a serious erosion of academic discipline. Politically engineered acts of violence have often turned campuses into battlefields with a free play of modern firearms. This has claimed the lives of scores of promising youth since liberation.

An increasing number of students are today involved in drugs, women, big money and extortion. Those so involved may well constitute a small number as compared to the vast majority who wish to enrol in colleges and universities to prepare for their future. But because of violence on the campus, classes are postponed, examinations delayed for months and years, and there is a high rate of failure in examinations.[3]

The present political parties are unlikely to initiate any remedial action with regard to such involvement of students in politics. Though the President of the Republic has repeatedly appealed to political parties to disband their student wings so as to restore academic peace and facilitate uninterrupted pursuit of learning, it has not elicited a positive response. It is virtually impossible for the authorities to reform the curricula, the course system or course duration, set dates for examinations, or even execute contracts of civil works without coming into conflict with student politicians.

44   3. In one year, 1983, thirty-three colleges failed to graduate a single candidate (Ministry of Education, internal memo dated 10 March 1984)

During the Pakistan period, it was the bureaucracy which ruled the country. Not surprisingly, the brighter students preferred a career in the civil service, though in every successful batch there were those who did a stint of teaching prior to joining the superior civil service. Also, the recommendations of practically every education commission to raise salaries of teachers and educational administrators to bring them at par with those of the civil service were ignored. The bureaucrats continued to see themselves as superior to their political bosses; they even scuttled attempts at reforming their own service. As a result, over the years, their morals got eroded and many of them became politicized. Possibly, given their high administrative authority, they are disinclined to collaborate and cooperate with civil society.

After Independence, the economy of the country was largely dependent on foreign assistance negotiated by government bureaucrats. Such development assistance normally includes a human resource development component. For a small project, study abroad for one or several persons; for a big project, both that and, often, building of institutions to undertake diverse and specialized training in the country. Unfortunately for the Bangladesh universities, none of these opportunities came their way.

Instead, foreign assistance for training nationals was used for overseas academic training of bureaucrats, graduate and post-graduate training of some nationals abroad, and the establishment of training centres and institutions under the auspices of concerned ministries. A major project after Independence was the establishment of the Public Administration Training Centre (PATC), built adjacent to a new residential university

which too began after Independence. But high walls divide them. Planned properly, the project could have strengthened the public administration faculty of at least two or three universities. Instead, the PATC, some 40 kilometres away from Dhaka, has still to find a resident Rector among the cadre of civil servants. Faculty positions of most such centres and institutions have been filled by departmental staff/civil servants with limited competence and inclination for education and research.

The bureaucratic control of higher education and the unwillingness of political parties to disenfranchise their student wings has resulted in seriously eroding public confidence in higher education; the mismatch of public finance has done the same with regard to secondary education in the country. Senior bureaucrats (competent in resource manipulation), wealthy parents and politicians have quietly stopped sending their children to public schools and universities in the country. Since the late 1980s, this class has progressively found other ways to educate its children, viz. through a rapid growth of private English medium tutorial centres following the University of London or the University of Cambridge curricula, a sharp increase in the incidence of private coaching, and a steep rise in tuition fee in the better-known private secondary schools in Dhaka and elsewhere. The focus on learning English is relatively recent; there are only half-a-dozen secondary schools that offer a national curriculum in the English medium.

At the post-secondary level, thousands of students leave the country every year under a variety of arrangements. Undergraduate study abroad is an entirely new phenomenon for which the English medium tutorial centres provide the major backward

links. Hundreds of students are sent abroad, mainly to the United States or India, by their guardians. Much of this involves private transfer of funds from rich relatives. The expenses are justified against the prospects of future employment and migration.

Given these facts, one could argue that the elite and upper middle class have virtually privatized education for their needs. Much more private money is now spent on education, though the government too has been increasing its education budget every year. Yet, the latest budgetary allocation (though the highest among the social sectors), is less than 3% of GDP. Further, the increased per capita expense on education cannot ensure quality education at any level, partly because nearly 90% of the budget goes towards meeting teachers' salary and maintenance costs.

Despite all the above mentioned handicaps, Bangladesh has achieved important and significant progress in its democratic evolution and in the fields of social, economic and human resource development. The country has successfully instituted fair elections and witnessed a 'peaceful' succession of governments. It has achieved a rapid decline in the rates of population growth. The country's gross domestic product (GDP) has increased nearly three-fold in the last two decades. It has developed noteworthy expertise in disaster management, a problem endemic to the region. The country has attained the highest employment rate for women (mainly in readymade garments and the construction industry) in South Asia. During the past decade, stipends provided for the education of the girl child have led to gender parity for girls in primary education, and progressively in secondary education.

Specifically in the field of education, several non-governmental organizations led by the Bangladesh Rural Action Committee (BRAC) have provided a back-up, as well as complimentary non-formal primary education (though at about 10 times higher cost; 1997 estimates) through nearly 40,000 units spread across the country. More recently, the government has committed to providing free education and food supplements to girl students upto the secondary tier. It is currently considering raising the minimum education level for the country to class VIII level.

More attention is being paid to job oriented and vocational training for youth, with programmes conducted under both government and non-governmental sponsorship. The government has now introduced a new vocational curriculum in secondary schools, making use of facilities previously created in vocational institutes that had not functioned well on their own. These are some of the right priorities.

In line with these new developments and priorities to restore quality to secondary and higher education, the government needs to adopt a multi-pronged approach for planning and implementation, ensure the participation of both non-governmental and private sectors, and reprioritize funding where private finances are hard to come by. The budget allocations for teacher training, vocational and technical education need to be increased but with limits set on infrastructure and personnel costs.

Both the Sargent Report (1944) and the first Bangladesh Commission Report (1975) had recommended that the administrative costs should not exceed 5% of programme costs. The government would be well advised to evaluate subsidies to schools/

madrasas and colleges; it should re-introduce both the auditing and evaluation of performance of all institutions as a precondition for receiving public grants and subsidies. To widen the educational base, it should consider supporting the growth of a third non-profit sector to complement the public and for profit (business) sectors economies.

At the moment only the public and private (for profit) sector are active in secondary education, while higher education is being *forced* into generating profits for survival. As in other South Asian countries, the role of the private sector in both the secondary and higher education sector is a sensitive political issue. Though the dominant view continues to be that an economic yardstick should not be applied to measure the worth of education, there is a marked lack of understanding about the costs of good education. Also, those who ideologically favour central planning and public intervention in institutional development are inept about measures to encourage entrepreneurship in education, whether for profit or non-profit.

Bangladesh is encumbered with a large population with a density 32 times that of the United States. It faces an enormous task of developing its human resources. An eminent economist, with decades of experience in economic planning, recently remarked that 'more than capital and natural resources, knowledge has emerged as the most important factor of production.'[4] Perhaps, the only option is to develop a partnership with civil society and encourage non-profit investment in the educational development of the country.

4 Nurul Islam, Third Convocation Address, Independent University, Bangladesh, 13 June 1999

Policymakers and administrators should refer to history and note that education in the subcontinent had in the main been private and philanthropic. It was poverty and bad management that progressively led to the nationalization of education in Bangladesh. However, the fact that at least a part of secondary education is private, about half a dozen private universities operate in the country, and that thousands of students currently study in India and the West, demonstrates that private education is back with a vengeance, accounting for a large part of private expenditure. The half-a-dozen private universities together have an annual turnover of over $10 million. This new money is entirely generated locally, educates approximately 6000 students annually, and provides jobs to several hundred faculty members and an equal or a larger number of staff.

The private university is a proven alternative and provides a new avenue for higher education all over the world. In the United Kingdom, after the establishment of Buckingham University as the first private university, most public universities diversified their sources of revenue, incorporating finances from business and industry, and thereby experienced a great advancement. The pioneers were the relatively lesser known universities or previous technical schools that were raised to university status in the '60s. The list now includes Oxford.

For Bangladesh, this can become an alternative strategy of higher education. A well-funded and professionally managed private university can provide flexible options of forging global linkages, both for students and institutions, and impart the highest quality education at home.

Besides, it can (i) share with the public sector responsibility for providing education with a programme diversity that suits market needs; (ii) share the sector cost by generating new resources through non-profit private funding; (iii) save foreign exchange, if not earn it, by admitting international students; (iv) be more flexible in designing curricula and syllabi to suit the job market in the country and abroad; (v) being dependent on product value (i.e. graduates), it is more likely to experiment with teaching methods and application of technology; (vi) provide a channel for the return of expatriate scholars for short or long term association (a reversal of the 'brain drain'); (vii) culturally equip adolescents forced to live abroad and thereby reduce resultant emotional strain on families; and (viii) catalyze reforms in public universities.

However, private universities cannot thrive without radical cultural reorientation and the development of a clear understanding, at least among the leadership, about the differences between a secondary school and a university. The core difference between the two is that while the former imparts skills for socialization (the curriculum packages knowledge and information for the acculturation of the youth), the latter places emphasis on knowledge building through research and innovation.

Schools and colleges have historically been profitable enterprises, including in Bangladesh. But in the case of a university, the collection of tuition fee may not meet even half of the annual budget requirements. Across the board, students find it difficult to pay the full cost of higher education. Consequently, expenditure on the university must be viewed as an investment for the future growth of society, and the fiscal burden shared by the entire community.

Both private sponsors and government need to be fully aware of the economics of higher education and its impact on total societal development. The private universities in Bangladesh will probably degenerate to the level of a college, become another tutorial shop, unless they can find resources other than tuition fees to fund academic and physical development. The government would do well to not only repeal the 1992 tax order, but encourage the creation of funds and foundations by granting differential tax relief and concessions. It should provide matching funds for the promotion of national projects like science education, library development, and advances in communication technology. Fortunately, the climate for all this is improving.

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Private-public divides

RITTY LUKOSE

DEBATES about the perceived crisis in higher education are structured by a tension between questions of accessibility and a concern for quality. While many may agree that there is a crisis, there is considerable disagreement about the nature of this crisis and its solutions. The privatization of higher education is offered as one solution to the crisis.

This essay examines renewed debates in the 1990s about the privatization of higher education in Kerala. This will entail an assessment of a prior history of various kinds of privatization, including the emergence of what are called 'parallel colleges', and an articulation of the specificity of this new moment of privatization within the educational field.

It will be argued that while questions of supply and demand dominate privatization efforts, it is equally important to pay attention to the status of the 'political' within these debates. Usually this aspect of the debate centres on how much blame for this crisis should be placed on the pervasive presence of student (and teacher) politics, usually tied in varying degrees to the politics of major political parties.

Generally, the arguments against the 'politicizing of higher education' are tied to causal explanations which link this politicizing to the disruption of a proper academic life and therefore the lowering of academic standards. In order to apprehend these shifting debates about privatization, it will be necessary to examine the nature and deployment of the distinction between a notion of 'private' and its opposite 'the public', and the relationship of this distinction to the 'politics' at stake in these debates.

Let me begin with an account of some 'politics' which I hope will help locate and frame my discussion. In July 1994 a group of middle class businessmen belonging to a consumer organization staged a *jatha*, a political procession, in front of the state secretariat in the capital city of Kerala, Thiruvananthapuram. They drove cars, motorbikes and scooters, not only because they had the financial means to do so, but more pointedly, in order to assert their 'right to use the roads.' This was part of a larger mobilization to initiate what they called an 'anti-bandh culture' in the state. Along with a petition filed before Kerala's High Court asking that a court injunction be issued against the frequent bandhs initiated by political parties, a conference was organized in which speakers condemned the violence done to people and property under the 'cover of democratic dissent.'

Today's bandhs 'victimise the public' and 'are no credit to civilized society.' People observe bandhs by not going to work or school and by closing down shops, not because they necessarily approve of the protest but often because of fear of violence. By forcing people to stay indoors, bandhs are not an expression of democratic rights but violate the people's 'fundamental right to move about freely.' The blame was squarely placed on the left parties.

The leader of the then opposition Left Democratic Front (LDF), veteran Communist leader E.M.S. Namboodiripad, fired back. He stated that bandhs were an expression of the people's fundamental right to protest and that to ban them was 'fascist'. Whether they were legal or not, agi-

tation would always take place. Asked about the violence associated with strikes, he stated that it was a part of the struggle itself.

This rather striking contestation about the forms of Kerala's political culture, in fact about the idea of 'politics' itself, brings to light a set of cultural and political struggles crucially tied to notions of 'the public' which I would like to explore further. The politics of anti-politics is mapped onto a set of left/right political distinctions, pitting middle class businessmen, driving down roads lit by the headlights of their cars and scooters, against the 'sardarnakar' or ordinary folk, walking the roads lit by handheld torches. The idea of the public being contested here is both literal and conceptual. Literally, it is about the functioning of roads, shops, schools, and workplaces. These places of the public are linked to the conception of a space of the public, through the language of rights, democracy, the people, property and politics.

What is being contested here are two notions of the public – one civic and one political. Central to the constitution of a civic public is the erasure of the political through the assertion of the well-mannered and orderly use of this public space and by the respect for property by those deemed to be citizens. Crucially, it defends the rights of its citizens to consume public space, seeking redress in a consumer forum. The lack of freedom is linked to 'staying indoors', the inability to 'move around freely' because of fear of violence.

In this conception, the public of the people has been forcibly privatized, in fact incarcerated, in the home by politics. While the privacy of the home is an incarceration, the privacy of the market is glossed over as the freedom to choose. The privatizing

logic of the market asserts itself through claims on the public through the logic of consumption where the freedom of consumption is linked with the freedom to move uninhibited through public places. In this way, the 'public citizen' articulates with a 'private consumer'.

The political public is supposed to assert itself through the management of disorder in these public spaces, the disruption and sometimes destruction of property rather than its orderly consumption according to the rules of the market. For the civic public, the limits of a genuinely democratic public is violence and the fear of it. For the political public, on the other hand, violence per se is not a limit. Justifiable violence is at the very heart of politics. The public is not constituted by lack of fear and by well-mannered behaviour, but rather by the 'right to protest' as a measure of popular expression and legitimacy.

This 'anti-bandh' movement was predictably unsuccessful and by the end of the same year, Kerala was in the grips of a major set of agitations surrounding one of those crucial sites of democracy – education, or more specifically, colleges. The rest of this essay will examine these contestations in light of the history of higher education in the state, in particular the relationship between education and Kerala's political history. Education has been both an object of contestation within this history and has provided important public places for the development and enactment of a vigorous political culture. At both levels, the distinctions between private and public have been crucial.

The state of Kerala enjoys a unique reputation in India and the world as a 'development miracle' in the areas of healthcare, education, food distribution and land reform.

Very high levels of literacy, low infant mortality, high access to qualified healthcare, extensive participation by women in education – all serve as hallmarks of a 'Kerala model' of development. The uniqueness of this 'model' is constituted by high achievements in the 'physical quality of life' coupled with a very low per capita income. What are its causes? Explanations have vacillated between benevolent governments initiating and implementing wise policies and popular, radical, progressive struggles which have demanded and ensured a relatively equitable distribution of basic resources.

Part of what constitutes this reputation is the state's success at spreading education at all levels to a wide spectrum of the population. High rates of literacy, a widespread system of school education, and one of the least expensive systems of higher education in India proclaim Kerala an 'education miracle'. The miracle, however, is contradictory. The success of primary and secondary education has greatly increased a demand for higher education during the last 25 years which the state has not been successful at meeting. Further, and this is a contradiction within the more general 'Kerala model', the economy of the state has been unable to absorb the vast numbers of graduates of this system. Chronic and high unemployment of the educated is a persistent and central feature of the economy of Kerala.

A disproportionate number of higher educational institutions are within the so-called 'private sector', something relatively unique within India. This private sector is varied and complicated. One kind of private education is the very powerful and widespread system of educational institutions controlled by the various

Christian churches. Along with several schools and a college set up by the Maharaja of Travancore, western missionaries and Christian churches were among the first to set up schools and colleges in the 19th century. Subsequently private colleges grew to include those set up by the Nair Service Society (NSS), Sree Narayana Trust (of the SNDP Yogam), and to a lesser extent the Muslim Educational Society, the Devaswom Board, and a few individual managements.

The development and dominance of the private sector within higher education can be attributed to several factors. Most importantly, the demand for access to education was a central feature of popular struggles by anti-caste, social reform movements like the Ezhava-based Sree Narayana movement. The struggle for a putatively egalitarian public – the rights of lower caste groups to walk public roads, enter temples, go to school, and get government jobs – was a major object of political mobilization. Within the volatile coalition-based politics of the last several decades, the granting of sanctions for new schools and colleges for various constituencies has been a major way to attract votes.

The struggle to control these private institutions has been a central feature of Kerala's politics for most of its history since its founding in 1956. The state has always subsidized private educational ventures. This has become even more pronounced in the post-Independence period. The contestations over the Education Bill sponsored by the Communist government of 1957-9 starkly reveal the dynamics of this persistent feature within Kerala politics. The Bill was intended to equalize pay scales between government and private schools and provide the state with some control over the large sums of money it was grant-

ing to private managements. It stipulated that private managements would only be able to hire teachers from a government list and that appointments would be rotated to provide opportunities for all major communities. For example, appointments would move from a Christian, to a lower-caste Hindu, to an upper-caste Hindu, and so forth. This opened up the prospect for more jobs for low-caste Communist supporters, notably Ezhavas.

The opposition to this Bill came primarily from the Christian managements who opposed government interference and saw it as a threat to their rights as religious minorities. It was perceived as an attempt to taint education with a 'certain political ideology' and as a threat to secularism. The Nair Service Society (NSS) led by Mannath Padmanabhan at first supported the Bill. But when it was clear that the main beneficiaries were to be Ezhavas, he joined with Christian forces to bring down the government. Schools were closed and students mobilized. In July 1959, after many deaths and arrests, central rule was imposed and the Communist ministry dismissed. Many of the provisions of the Bill were not implemented.

Teachers, organizing themselves into trade unions, were through various agitations able to force the government to adopt a grant-in-aid code in 1962 which made provisions for the state government to provide grants to private colleges so as to equalize pay scales. This also allowed the government to refuse aid to colleges which did not conform to norms for reservation of seats for students belonging to scheduled castes, tribes and other backward communities. This, however, did not alleviate the tensions between private managements and the teaching and non-teaching staff. Issues remained including the security

of tenure, retirement benefits, and promotions.

As a result of these mobilizations, the 'Direct Payment Agreement' was implemented in 1972. All tuition fees and grants would be sent directly to the government treasury and teachers and non-teaching staff would be paid directly by the government The government would also provide monies for library, laboratory and other maintenance expenses. Also, all appointments and admissions were to be subject to government rules. Roughly speaking, this is the pattern that prevails today.

From this brief sketch, it becomes clear that the 'private' sector that dominates higher education is both private and public. The private here is understood to be primarily the private of religious minorities and specific upper and low caste communities. However, the degree to which they are strictly private is undermined by the structure and extent of state funding and the affiliated university system that allows the government to control appointments, admissions and curriculum.

While pointing to the dominance of the private sector in higher education in Kerala, I have tried to complicate our understanding of this private by demonstrating the ways in which this private is crucially entangled with the state. However, there is another kind of private which has also prevailed and coexisted with the private understood so far as communities which exists outside the state.

This is the private understood as the market. This private colludes and collides with both the private of communities and the public of the state. The private market exists in two senses in the educational field. First, despite the control exercised by the state over putatively private educa-

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tional institutions, 'private donations' for job appointments and 'capitation fees' for student admissions are rampant and common. Clearly, the presence of the market is a factor which introduces another privatizing dimension into the educational field.

Another, and for my purposes here, more important kind of private market for education is the widespread presence of what are called 'parallel colleges', institutions that are completely outside the 'private sector of education' outlined above. These are the numerous colleges housed in a few rooms of a building or in a thatched hut often surrounding the regular colleges to which they are 'parallel'.

These colleges are the result of policies designed to deal with the question of accessibility to higher education. The question of whether higher education should be granted to all who are eligible and desirous of it has never been fully confronted. While the Education Commission of India, 1964-66, stated that higher education enrolments must be tied to the labour market, the commission also suggested the creation of a parallel system of correspondence courses, evening colleges, and private registrants for university examinations for those unable to attend regular, formal institutions.

In Kerala, parallel colleges emerged and expanded during the 1970s after the Kerala and Calicut universities began private registration in 1971 and 1976 respectively. Tutorial colleges had existed in Kerala prior to this. These institutions offered part-time tuition to school and college students in arts, commerce and science. Most parallel colleges combine such tutorial functions (mainly for high school students) with that of a private college which offers regular courses that are offered in formal institutions

for which private registration is allowed (usually only for arts and commerce subjects).

While the state has allowed the number of formal educational institutions to expand dramatically in the last 40 years, it has clearly not been enough. Private registrants make up as much as 40% of the total enrolment of students in regular colleges. Estimates have placed the number of parallel colleges at 5000, serving a student population of 100,000. Parallel colleges are clearly a major part of the private market in education.

While many have bemoaned the inability of Kerala to attract productive industries which might alleviate chronic and high unemployment in the state, the one industry that does thrive is education. It is estimated that parallel colleges alone provide employment to about 100,000 teachers. However, these teachers and staff are among the most exploited within the educational field with high student-teacher ratios, very high teaching loads, very low salaries, no benefits, lack of job security, substandard working conditions, and sometimes even various kinds of bondage.

From this brief outline, it should be clear that the field of higher education in Kerala is a complicated one, peopled by differently positioned actors across the public/private, state/market divides. The privatization of higher education has been a long-standing and persistent feature within Kerala. Formal higher education is dominated by a variety of private managements with ties to religious minorities and caste communities, both advantaged and disadvantaged, who are beholden to the public state in very significant ways. These institutions are shadowed by the private market both in the form of donations and capitation fees and the presence of paral-

lel colleges. As an important engine of Kerala's 'development miracle', education as a public good is constantly haunted by the idea of education as a commodity. Development itself happens in the shadow of the commodity.

The current debates about the privatization of higher education in Kerala must be placed within an already existing context of a state-saturated private sector of education and an expansive and robust private, parallel system of education. These contestations escalated in 1994-95 when the ruling, pro-Congress United Democratic Front (UDF) government attempted to sanction new colleges which would be entirely self-financing, unaided but nevertheless under some measure of government regulation. It should be noted that while a few of the managements that had petitioned to be sanctioned were already existing parallel colleges, most were newly proposed colleges, including a significant number of engineering colleges. Therefore, the sanctioning of self-financing, unaided colleges would mark another development in the entangled public/private sector relations which mark the field of education in Kerala.

The then education minister, E.T. Basheer, argued that while nearly 40% of the state budget was being spent on education, it was still not enough. He argued that the state did not have the monies to expand the higher education sector and therefore private managements should, a role they had been fulfilling for some time now. While some had argued that self-financing colleges were elitist and would exclude the poor, he disagreed and stated that those who could afford to pay should have the opportunity to do so, something that would lead to healthy competition and higher quality.

The pro-Left Democratic Front (LDF) student and teacher organizations, led by the Students Federation of India (SFI) launched a broad and vigorous set of agitations to oppose what they called the 'commercialization of higher education', including an 'education bandh' which kept many colleges closed during most of November and December of 1994.

The private that the government was drawing on to further privatize higher education, in this instance, was both similar to and different from the private that had come before. If we look back to the agitations surrounding the 1957 Kerala Education Bill, the private which opposed the government was primarily the Christian churches. Here too we see the interests of religious minorities operating, though not the Christian churches. Once the opposition against the privatization efforts were launched, it was the Muslim Service Society which argued for the government's position.

Muslim-dominated districts in northern Kerala have far fewer educational institutions and they would have been among the major beneficiaries of these newly sanctioned colleges. While the pro-LDF forces argued that the government had 'communalized' the matter by granting a disproportionate number of institutions to the community to which the education minister belonged and in order to appease the Muslim League, the MSS argued that the LDF was communalizing the matter by not allowing minority and backward communities opportunities to move forward.

However, there was also a new private actor on the scene that had not existed in quite the same way during previous moments in the long history of struggles about the public/private nexus which structures education in Kerala, and that is the non-resident Indian (NRI). Migrations from Kerala have been extensive and long standing, especially to the Persian Gulf. Remittances now make up about 30% of Kerala's domestic product. The children of Gulf migrants are unable to study abroad since family visas are rarely given and there are citizenship requirements within Gulf countries that often restrict access to higher education. There is a demand on the part of NRIs to open new colleges for their dependents.

The struggle over NRI monies in education is revealed by examining a court case brought against the government by the state general secretary of the SFI. In this case, which the government lost, the Kerala High Court opined that the concept of self financing colleges under government control was illegal. The government had sanctioned two self-financing engineering colleges in which Rs 100,000 would be required as deposit for students admitted under an open merit quota. The dependents of NRIs were required to pay US$ 5000.

Originally, the state had decided that 50% of the seats were to be granted to an open merit quota, 10% for SC/ST with some scholarships available for those who could not pay, and 40% for NRIs and dependents. This was revised, under protest, to 75% merit quota, 10% SC/ST, and 15% NRI. The High Court decision stipulated that only 5% could be set aside for an NRI quota. It is clear, from this and other similar cases, that the attempt by some NRIs to lay claim to the educational institutions of the state has been a contested one.

· This new moment in the privatization struggles over education is marked by the NRI in general and specific ways. At a general level, the funds necessary for such self financing colleges and institutionalization of the already existing system of private donations are very often tied to NRI monies. At a more specific level, the attempt to produce an NRI quota is an attempt to lay claim to the state. The stark contrast between a reservation category like SC/ST and that of the NRI points to the increasing demands made on the state by social groups defined by their ability to consume. In a very palpable way, the private consumer is attempting to lay claim to the public.

However, advancing this claim is not simply about the logic of supply and demand. Central to this struggle about education as a public good or a private commodity is the status of the political. While I have discussed the ways in which education has been an object of political constestation, it is also true that educational spaces have been crucial spaces for politics.

Within the political culture of the state, the space of the college is a particularly charged one. Student politics is almost exclusively structured by the larger political culture. The structure of political organization is such that the college system, increasingly schools as well, is integral to the reproduction of the official political culture. Robin Jeffrey has identified schools and colleges, 'an inseparable part of the Kerala model', as crucial sites for the development of what he calls a 'political public'. As he states, '...most Keralans have first encountered government – and, indeed, public politics – through a school system that has become the heart of the new Kerala.'

Other than the inability of the state to fund the expansion of higher education, the rhetoric of the new debates about expanding and giving autonomy to new educational institutions is organized around two sets of

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complaints. One, existing colleges adhere to an archaic and outmoded curriculum unable to cope with the new global economy and the international labour market. Thus, these new institutions want more control over curriculum. The second set of complaints is about colleges as hyper politicized places. From this perspective, colleges as spaces of civic virtue and public consumption of services are held hostage, incarcerated by politics, the endless, daily, weekly and sometimes monthly strikes, fasts and demonstrations. As a teacher I knew once put it, 'It's not democracy, but demo-crazy.'

The freedom to move through public spaces, as in the 'anti-bandh' demonstrations, and the freedom to consume public goods, like education – a kind of freedom which I have linked to the freedom of choice in consumption – it is these freedoms which confront the official political domain as its limits, within this discourse of anti-politics that underlies privatisation efforts.

A broad historical shift in the ideological production of the citizen in postglenoidal India is outlined in a recent work of Satish Deshpande. For the newly independent Nehruvian state, the paradigm of nationalism was one of a national economy that had to be built. The embodiment of this model of national development he calls the 'producer patriot'. This model of the citizen, he argues, is being replaced by 'the cosmopolitan consumer who has made the world his oyster.' He identifies the NRI as the clearest representative of this cosmopolitan consumer, a 'modern mythological hero for the Indian middle classes.'

My interest here is to examine the space between consumption and the state/citizen, but to do so in order

to trace the contested faultlines that constitute this nexus in the hope of demonstrating how discourses of consumption, when conjoined with claims on the state, reconfigure 'politics', understood as an objectified domain of social action. For, as Dipesh Chakrabarty has observed, one of the central contradictions of global capitalism is that we are citizens and consumers at the same time and the relationship between citizenship and consumption is sometimes hostile and sometimes collusive.

The politics of education which this essay has examined exists at the intersection of this hostile/collusive space constituted by state/market relations. The struggle about what constitutes 'politics' happens through a struggle over the literal places of the privatized public as well as the publicized private spaces of education, and through how these are conceptualized.

In 1924, the satyagraha in the central Kerala town of Vaikom focused on the rights of low caste members to use the roads surrounding a temple. It was an important political marker in the creation of a putatively egalitarian public sphere. The 1994 attempt by middle class businessmen to erase the political by mobilizing around a rhetoric of anti-politics through the assertion of their rights to use the roads, provides a stark contrast. We must contest privatization efforts which deploy such a rhetoric to erase and deny the politics of the public sphere. This, however, does not mean a simple defence of the already existing political status quo. My attempt, in this essay, to explore a contestation about the very meaning of 'politics' suggests that we must not only defend 'the right to politics' but also work to revitalize and expand its structures and frames of reference.

Educating the architect

A G KRISHNA MENON

THERE is an urgent need to reform architectural education, yet no one is fully aware of the problem – not policy-makers, teachers, architects and, understandably, not students. There is periodic talk about improving the quality of teachers, course content or infrastructure, but no one is willing to confront the crux of the problem – the structure of the educational system itself.

Over fifty years after Independence, we find that the influence of a colonial past continues to hold most institutions in the tight embrace of mediocrity. This is achieved through insisting on conformity with inherited educational content and pedagogic methods. It is this that impedes meaningful reform, and unless this causality is recognised as an overriding issue, architectural colleges will continue to produce – all talk of 'reform' notwithstanding – architects who are primarily metropolitan in their orientation, and incapable of solving the critical problems of the built environment that confront our country. 'Improving' some parts of this system cannot overcome its intrinsic short-comings and, in fact, may even result in reinforcing them. It is only by examining the structure and content of architectural education holistically that the web of historically rooted circumstances which have led to the present predicament can be unravelled.

Our attempt should begin by examining the larger field of education where the situation is no better. For evidence, consider the results of a recent survey of the top 100 Asian and Australian multi-disciplinary universities in this region (*Asiaweek*, 30 June 2000), in which the first Indian university to be ranked comes in at No. 40 (Jawaharlal Nehru University). The only other one listed is at 76 (University of Mumbai). One can quarrel with the method of evaluation, and many will, but at some point policy-makers will have to confront the fact that where there is smoke there is fire, and when they do, they are likely to find a conflagration. But policy-makers invariably adopt an ostrich-like posture when confronted with unpalatable evidence, and continue (as they have over the last fifty

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years) to justify that unseemly posture on account of our 'uniqueness' – social, cultural and economic.

On the other hand, a similar survey of management schools ranked the Indian Institute of Management, Ahmedabad, as the best in the region, followed by a clutch of other Indian management institutions. Will we quarrel with the method of evaluation now? Their survey of science and technology institutes ranked the four Indian Institutes of Technology among the top fifteen; so, not *everything* is wrong with our education system. Moreover, the same architectural colleges and multi-disciplinary universities have produced good architects and distinguished graduates in the past. Enough evidence is mounting now to warrant a comprehensive examination of the education system, to assess why our universities fare so badly when compared to those of the rest of the world, and why our architectural colleges are unable to focus on meeting the needs of our society.

To begin with, it is impossible to miss an obvious conclusion from the surveys carried out by Asiaweek, which is that, when educational institutes operate *outside* the university system, they flourish. The IIMs and IITs operate independently, and therefore, are able to set their own educational standards and agendas. They respond to emerging ideas and opportunities, whereas the university system is mired in policies and administrative imperatives established 165 years ago by Thomas Babington Macaulay. Thus, as the university system has evolved, particularly after Independence, the public has come to value the 'degree' more than the education, the students their 'results' more than learning, and teachers their 'sinecure' more than the pursuit of knowledge. Architectural colleges are unfortu-

nately yoked to this debilitating system, besides of course being afflicted with problems uniquely of their own making.

And yet, there was time when architects could have taken charge of their destiny and mediated a more appropriate system for their discipline. Parliament passed the Architect's Act in 1972, which set up an independent statutory body, the Council of Architecture (COA), to regulate the profession and, by extension, architectural education. This opportunity was allowed to pass and it is clear today that the creation of the COA has made little difference to professional practice, and none at all to education.

The sad fact is that the people at the helm, architects all, lacked the vision to strike out afresh, abandon old policies and practices and set their house in order. For small gains they accepted large compromises, and so the COA is today a hollow shell with only some nuisance value. The majority of the members on the executive of the COA are ex-officio representatives of state governments, with little interest or ability to contribute either to the development of the profession or to architectural education. As government servants, they are predisposed to administer, not question, inherited rules and regulations. Later, in 1987, when the Parliament created the All India Council of Technical Education (AICTE), the web of historical exigencies congealed, and architectural education became firmly embedded into the engineering disciplines. This was exactly as the colonial policy-makers had intended.

The sociology of the profession, as it developed in India, created a 'weak' profession, unable to define its core competence, or mediate its worth in society, the market place, or the bureaucracy (See *Seminar* 180, August

1974). Not surprisingly, it did not question the wisdom of aligning architectural education with the AICTE. In fact, the community of architects acquiesced willingly, perhaps because most architectural colleges – private as well as government sponsored – were in any case part of engineering institutions.

The sudden increase in the number of privately financed architectural colleges also contributed to the perception of impending chaos; it would have seemed prudent therefore to control architectural education by placing it under the purview of the powerful AICTE. In effect, a 'weak' system of education came under a strong, engineering-oriented bureaucracy, unfamiliar and unsympathetic to its specials needs. Even though the AICTE delegates' responsibility to the COA on matters relating to architectural education, to the vision challenged bureaucracies of both statutory bodies, the exercise of control, as an end in itself, has become the common denominator binding their administrative purpose.

The system of controls in architectural education now consists of three formal layers, and some informal ones. First, there are the COA and AICTE. The COA's statutory task is to regulate the profession of architecture by maintaining a register of bonafide architects and thereby, protect the appellation, 'architect'. In order to perform this task it regulates architectural education, a responsibility it shares with AICTE. The COA and AICTE, jointly or separately, inspect/monitor architectural colleges to ensure that (minimum) educational norms and standards are maintained, and that all its other 'conditions of approval' are duly adhered to by the colleges. Being statutory bodies, the attitude of the administrators is that

they are infallible. Hence, contemplating change at this level is difficult.

The second layer is the university. This is an important medium of control because education in India is a state subject, and state departments of technical education, often operating through state universities, exercise hands-on control over architectural education. They prescribe an 'approved syllabus' and administer the examination system. They also select candidates to be admitted to architectural colleges. There are many problems at this level, not the least being the fact that teachers and individual colleges are treated as mere cogs-in-the-wheel, who neither determine the syllabus nor fully examine the students they teach.

The rationale underlying this system of control is an implicit distrust of the entities being 'controlled'. Since the university provides the authoritative stamp – the degree – to the education conducted by individual colleges, they find it necessary to control all aspects of education, particularly the examination of students. Colleges have legitimacy only because they obediently accede to university dictates. Thus, in India, a university is not a collegiate fraternity, but a strongly hierarchical entity, a patriarchy, as it were: when benevolent it can be empowering, otherwise it is oppressive.

The university bureaucracy invariably seeks to simplify its tasks, so that when several colleges of architecture are affiliated to the same university, they impose complete uniformity amongst all constituent colleges. Differences would make administrative control more difficult. It is also practically impossible to make changes in the common syllabus prescribed by the university – let alone seek a different syllabus for an individual college. Both, because the process is cumbersome, and because architectural colleges are small fry in the policy-making forum of the university and therefore unable to push through specific changes for architectural education. Thus, this layer particularly enforces gratuitous conformity and uniformity and is a major impediment to change.

The third layer is not strictly germane to this discussion, but nevertheless exists, and consists of agencies like the Association of Indian Universities, who certify equivalence between one university and another, and the requirement of the Ministry of Education to obtain a separate certification from them, to enable graduates of architectural colleges to seek 'first-class government jobs'. This layer, though less insidious, also contributes to the imposition of uniformity amongst architectural colleges.

There are other informal layers of control – such as the voluntary certifications sought from professional associations like the Indian Institute of Architects and the Commonwealth Institute of Architectural Education – to enable graduates of a particular college to access specific opportunities in India and abroad. But they have no direct bearing on the educational system.

How this system brutalizes educational initiative can be gauged by the fact that even though the COA's model syllabus prescribes only 75 per cent of the curriculum, leaving individual colleges to determine the balance 25 per cent, all universities play safe in the formulation of their prescribed syllabus and spread the 'minimum' requirements to cover the entire curriculum. No university wants individual schools affiliated with them to have space to deviate and experiment, even within the boundaries permitted by the COA – again, it would make control more difficult. So we find that the strategy for governing architectural education *always* prioritises administrative convenience over educational objectives.

This unfortunate situation can be attributed to a lack of vision and confidence in the profession of architecture. The fault has its antecedents in colonial educational policy and building practices. Architectural education in India had its origins about 150 years ago, when the colonial government set up art and technical schools to produce draughtsmen and surveyors to assist British engineers who, in those days, 'designed' buildings. These engineers were unqualified to handle architectural ideas and so replicated, as best they could under the circumstances, architectural models from pattern books they ordered from home. Thus, very early in the development of the profession, the practice of seeking external validation for constructing Indian buildings was established.

Later, when architects came to work in the colonies, they advocated historical revivalism in the manner then fashionable in Europe, thereby initiating another 'weakness' in the profession: the pernicious process of valorising western themes in Indian architecture. The eclectic aesthetics of colonial architects were based on cultivated taste, seldom understood by their clients, who therefore valued their designs primarily for the imperial intent in using European styles. Thus, in professional terms, a third 'weakness' got rooted: that the input of an architect was decoration rather than design, or the more pragmatic contribution of engineers. Such unpromising beginnings for the profession established both the marginal role of the architect in building, and the vocational intent in teaching.

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In England the situation is different, because both the profession and architectural education evolved out of a long and cultivated humanistic intellectual tradition. This ensured that architectural education was guided as much by disciplinary as vocational intent. The colonisers, however, did not replicate the pedagogy they had in their classrooms in India. They taught architecture to Indians as a vocational subject, because nothing more was required of them. After Independence, we have only carried this educational agenda forward. It is now deeply ingrained in the profession's psyche, and it is this system that the controlling authorities are assiduously promoting. All architectural colleges are obliged to follow it.

At the dawn of the 21st century, it is time the profession recognised the roots of its problem. Continuing the vocational intent in architectural education in the face of mounting evidence for change can now only be considered a self-inflicted injury. We have to question whether the teaching of architecture should be treated as a vocational course or as a discipline which will address the problems of contemporary society.

Given the history of the profession, few architects may even be able to appreciate the importance of this distinction, let alone its implications for the development of the profession. However, no real reform in architectural thinking can take place unless the profession recognises the potential of teaching architecture as a disciplinary subject. Only then can alternate paradigms emerge, which will enable the profession to self-reflexively question the status quo. As long as this does not happen, it will continue to derogate its academic pretensions.

Architectural colleges, in any case, operate on the edges of the academic firmament. Even though there are 104 colleges/departments of architecture in the country, they do not capture the attention of policy-makers because they admit only about 3000 students in all – a small number compared to the multitudes who seek admission to other professional courses, including civil engineering (with which the course of architecture is commonly confused). Since most colleges are part of engineering institutes, it is the practice to conduct a common entrance examination for all engineering courses. Given the poor perception of architecture as a field of study among the public, one finds that many who finally decide to study it, do so only when they are denied admission to a more coveted engineering discipline. This double infirmity casts a negative mantle on both the profession and its academic aspirations.

Finally, there is the issue of privately financed colleges. This has become a major problem only in the last two decades because the bulk of architectural colleges which are in existence today, came up during this period and are privately financed. It must be recalled, however, that privately sponsored public education is an old and valued tradition in India. Many of the best colleges were set up by religious institutions or charitable trusts, who ran them honourably and with altruistic intent. They were almost indistinguishable from government-sponsored colleges, particularly with regard to the fees they charged.

The new crop of privately financed colleges were less charitable in intent and more self-financing in practice, and so charged fees considerably higher than government institutions. Many were even predicated on making a profit for the sponsor, and this influenced public opinion against the concept of privately financed educa-

tion. Today, therefore, self-financing colleges face 'caste/class prejudices' not unlike those faced by the children of lesser gods. There can be no greater anathema to the judiciary, policy-makers and even other academicians in India, than the concept of privately managed public education.

Nevertheless, because of the paucity of resources, the government has had to permit private initiative in public education, but has done so with as many restrictive caveats at it could possibly conceive. These caveats are administered by COA, AICTE and the universities, and are so draconian that they have become a major impediment to reforming architectural education.

My intention in highlighting the issue of controls is not to argue for dispensing with controls altogether. Obviously controls are necessary, particularly in a complex, diverse and unequal society such as ours which is, moreover, coping with the negative consequences of globalisation, economic liberalisation and rapid social change. A laissez-faire approach is neither a reasonable nor a responsible proposition, but operating under the present system of controls is not a satisfactory strategy either. New systems of control, which will allow change, seek innovation and permit independence, need to be formulated. The objective of such an exercise should be to achieve the welfare of society in general, and a healthy system of architectural education in particular.

The rationale for any control mechanism is to assure the quality of the product being certified. A mere certificate – a 'degree' – without credible education to back it up does not assure quality. The problem with the present educational system is that there is a widening gap between what an architecture degree assures and

what the architectural educational system delivers. In earlier days the traditional guild system ensured quality, both through the pride of the craftsmen and the mediation of market forces. With the introduction of modern architecture and architectural education by the colonial government, however, the state assumed this responsibility.

The manner in which this responsibility has been translated into practice takes neither pride nor the market into account. Cynicism prevails. The system of controls, as it exists in India, is unable to assure quality, but policymakers are unwilling to change it. This, again, is a historically rooted problem: critically reading the historical antecedents of this system of controls, it may be inferred that the colonial government had one system for themselves at home, where they 'administered', and another for colonies, where they 'ruled'. The system of assuring quality in post-Independence India merely adopted the system of 'ruling' set up by the colonial government, and subsequent legislations have only reinforced it.

Some may argue that the difference I am highlighting is only one of nuance, but that is belied by the fact that there are major consequences which follow upon this reading of administrative history. The system of control in India, for example, is not perceived to be mutable; in Britain, on the other hand, the governance of architectural education has been frequently examined and modified, often radically, if developments necessitated change. Again, because of the apparent immutability of existing rules and regulations in India, their application assumes greater significance than originally intended. Thus, administrators are content if the system cranks out more and more

graduates, because this signifies the 'success' of the control mechanism. Today, it is well known that several universities are graduating sub standard architects who will cause more harm than good to the profession, and to the society in which they practice, but our system of 'ruling' remains blind to this fault.

Finally, perhaps because we are a Third World country, the ultimate ineffectiveness of control mechanisms is endemic to our system of governance. This hardens the stance of the educational bureaucracy when questioned or challenged, and they react with self-righteous fury by turning the ratchet of 'control' one notch higher. Such a response precludes the possibility of conducting sensible dialogue, and explains why genuine reformists find the controlling authorities a far greater problem to confront than the issue of content or pedagogy in education. It inevitably sets the stage for an adversarial mode of interaction, even on routine matters. I speak from experience, as the School I am associated with has borne the brunt of the fury of the COA and AICTE, and know its full import.

Ten years ago a few architects, concerned at the state of affairs in architectural education, started a new college of architecture – the TVB School of Habitat Studies in New Delhi (TVB/SHS). This was at the height of the capitation fee scandals rocking the educational establishment and, we now realise, when the restrictive control mechanism was not as vigilant. The school was set up to counter the negative perception of private education and challenge educational orthodoxy.

In the process of imparting 'approved' education, the school sought to initiate an open-ended dialogue to reform the content and pedagogy of

architectural education. We found space to operate within the system, in no small measure on account of the encouragement of the COA, AICTE and the profession. By many accounts, national and international, the school performed well and acquitted itself honourably. It even made a modest contribution to the dialogue on reform in architectural education. But, not in the eyes of the same COA or AICTE that had initially encouraged our initiative.

Ten years later, these achievements, they now complained, had to be discounted because the school was not affiliated to an university. Thus, applying their magnifying glass to the faults (and, indeed there were some) and dismissing the achievements (this is our complaint), the authorities served notice to close the school down. Their focus on rules and regulations was by now so obsessive and shortsighted that they were unable, or unwilling, to distinguish wheat from chaff.

Implementing the Supreme Court directives on capitation fees (the Unnikrishnan judgment of 1993) is another case in point. By establishing the principle of 'free' seats and 'payment' seats to eliminate the evils of capitation fees, it has only instituted a more rigid economic caste system in private colleges, a cure as obnoxious as the disease. While some poor students have undoubtedly benefited, *most* beneficiaries, not surprisingly, are the elite who can afford better schooling and extra tuition to secure the 'free' seats. The fee to be paid by the student allotted the 'payment' seat is becoming prohibitive, and most privately managed colleges are unable to fill this quota, resulting in a severe shortage of funds to run the college well.

Similarly, the rules and regulations of AICTE are also flawed. They

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require *all* colleges to affiliate with an university, thus ensuring that they remain under some form of 'government' control. Not being affiliated was a key factor against the continuance of the TVB/SHS, the reasoning being that independent initiatives in education cannot be trusted to serve the public interest—even when there is ample evidence to the contrary.

Thus, when the school affiliated, as directed, with the brand new Guru Gobind Singh Indraprastha University set up by the Government of Delhi in 1998, it was immediately handed a comprehensive syllabus and scheme of examination—in content and pedagogy, as old as the hills – that all but wipes out the experience and gains of the last ten years. It accounts for *all* 35 hours of the weekly contact time with students. The system of evaluation ensures that the school is unable to experiment with either pedagogy or syllabus.

As this system will have it, having defined the terms of 'imprisonment', 'prisoners' are free to pursue innovation or achieve excellence as best they can. Naturally, this cannot, and does not, happen. Rules and regulations once again take precedence over educational objectives. In other words, rules and regulations seem to be the educational objective.

From the experience of running the TVB/SHS, there are many suggestions I can make to reform architectural education. But for the present, I will only broadly identify the directions that reform in architectural education should take. First, architectural education must be delinked from technical education. The discipline of architecture derives its content from both the humanities and the sciences – it was colonial exigencies which suppressed the role of the humanities in Indian architectural education.

Delinking architectural education from technical education will open it up to the influence of the humanities, as in the rest of the world, and that will make a world of difference to the development of the profession in India. Attempting this at the TVB/SHS was its strength, and reason for its success. It should be noted that technical subjects will continue to be taught, but opening up to the humanities will enrich the disciplinary potential of architectural education by radically changing its perspective, both inward and outward.

Second, architectural education and the certification or licencing of architects must also be delinked. Linking education with licencing has resulted in the vocationalising of educational objectives. One of the disastrous consequences of vocationalisation has been the separation of 'thinking' and 'doing'. Both are necessary, but vocationalisation distrusts 'thinking' and consequently architects pride themselves for being 'doers'. The issue of the licencing of the architect is critical to the process of assuring the quality of the architect to practice and must, therefore, be dealt with separately from the education of the architect. Licence to practice the profession requires specific practical knowledge and field experience, which should be acquired and assessed *after* graduation.

To certify this knowledge and experience should be the primary task of the COA. The separation of education and licencing of architects is the norm in all developed countries, and obviously there is good reason for them adopting that system. It enables individual educational institutions to pursue different disciplinary objectives – the 'thinking' component – to meet the evolving expectations of a diverse society, and simultaneously,

the licencing procedure assures the technical competence of the architect to practice.

Third, the link between a 'degree' and 'education' must be broken. This has resulted, at least in India, in the derogation of 'education'. As a private, unaffiliated college, the TVB/SHS was officially, by virtue of a notification in the Gazette of India, permitted to award its own 'diploma'. This 'diploma' was accepted on its merit, by universities in India and abroad, and by the profession in India and abroad. In fact, there was mounting evidence that the TVB/SHS diploma was valued more highly than the 'degree' awarded by universities to graduates of other colleges.

But again, not in the eyes of the COA, AICTE or the government. According to its immutable rules, a 'diploma' is *not* equivalent to a 'degree', even though, according to their own frequent monitoring, exactly the same prescribed education was provided in both cases. But the COA, *suo moto,* even went about notifying universities in India and abroad that the TVB/SHS 'diploma' was not an adequate qualification for postgraduate studies, nor did the government recognise it as a qualification for 'first-class government jobs'.

There is an urgent need to put an end to such moral, ethical and logical perversity that enables the educational police to actively derogate educational initiative, and discount it on the strength of lables. Under the circumstances, architectural colleges should be encouraged *not* to affiliate with a university in the pursuit of their educational objectives, and to rely on institutions like the National Board of Accreditation to evaluate the quality of education imparted by individual 'diploma' awarding institutions. After all, this is how the IIMs have excelled.

Finally, policy-makers and their agents will have to learn to cultivate an attitude which valorises difference rather than conformity. This is the defining characteristic of an architect, and there is no reason why architectural education too should not diversify its pedagogic strategies in the same manner. In a diverse country like India there is need for as many kinds and types of architects as can be viably sustained, but our educational system attempts to produce the same indistinguishable product from all colleges.

I am aware that what I have related regarding educating the architect links up not only with the problems facing multi-disciplinary universities, but with the wider and larger educational problems confronting the country. What needs to be brought into focus, however, is that they also link architectural education and the (mis)management of the built environment. The real, and daily experienced problems of living in our towns and cities adds the coefficient of urgency to the issues of architectural education that I have discussed.

Do we wait for the more important issues to be addressed before attempting reform in architectural education? I think not, for two reasons: first, the consequence of not reforming architectural education has immediate repercussions on the quality of life and the quality of the built environment; and second, the reform in this field is achievable, because there is an independent statutory body – the COA – responsible for redefining its objectives, and guiding its subsequent development.

Can the COA get its act together? At present this seems unlikely because of the corrosive consequences of low esteem, cultivated over generations, which makes architects administering the COA more disem-powering than enabling in the discharge of their statutory functions. Ironically, the only fora where change could have been nurtured – the educational institutions – have been effectively silenced by the COA by ensuring conformity.

In the meantime, while reform initiatives are discussed the stakes become higher and problems of the built environment multiply – often in the guise of 'solutions'. This is illustrated by the passionate fury with which Minister Jagmohan has deployed the bulldozer to 'clean up' Delhi, a 'solution' that finds the strongest support among architects and urban planners. (Refer to the newspaper accounts of the public meeting the minister held with architects and urban planners in New Delhi on 30 July 2000).

Predisposed by education to acts of 'doing', they vicariously exult with the minister in a show of strength on their behalf, and his attempts to resurrect an antediluvian Master Plan. Who asks whether the plan itself was an appropriate instrument to guide the welfare of our developing, changing society? Who will hold the professional responsible for not understanding and serving the needs of society? The profession has been dismissive of those who advocate 'thinking' as the more appropriate means of finding a solution to the problems of the built environment.

It is therefore my case that there is the strongest link between the problems of the built environment, the minister's 'solution', the support of the profession and aborting the TVB/SHS experiment. They are all united in the 'passionate fury' they expend to support the inherited rules and regulations by which we govern ourselves.

But the objective of educating the architect is precisely to question this legacy, and overturn it.

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Books

THE OPEN CLASSROOM: A Journey Through Education by K.T. Margaret. Orient Longman, New Delhi, 1999.

AS Indian books on education go, K.T. Margaret's *The Open Classroom: A Journey Through Education* is fairly rare. It is a professional-personal biography describing her growth as a teacher within a remarkably wide range of Indian educational contexts – from a government high school, a training college for teachers, elite pre-schools, innovative NGO models, all the way to slum 'centres' and rural NFE programmes. Each of these, substantially experienced over a career spanning thirty years, provided a 'live' situation actively engaged with. The result is an honest, straightforward account of evolving practices, shorn of the veneer of theoretical 'expertism'.

Starting as a science teacher in high school classes, Margaret found that though she worked 'sincerely', there was somehow simply no 'connection' with children. A breakthrough came when she was asked to take language classes. Here, her own sense of incompetence made her confide her fear in children – and a partnership in learning was born. Only when the teacher moves away from her position as a giver can she really enable children to realise their potential. This allows her to create a space for their own powers of observing and reflection to have a role in their development. The system, however, will have none of this and Margaret's complaints against this unrelenting inflexibility recur every now and then.

Her work with pre-school children – and a remarkable 'mentor' in the form of Nadya O. Panth, who had a deep understanding of children, having worked with them in an experimental school in the US – brings forth the realisation that adults have lost touch with the child in themselves. With it is also lost the ability to enter the child's world and to use that as a basis to relate with children and explore the world along with them. She believes that it is only through such empathy and starting with children 'where they are' and 'where you are' that worthwhile learning can take place. She also comes to see that inner growth, akin to though not exactly like spiritual development, is at the core of real education.

Margaret's inner impulses led her to start working with slum children in Tilaknagar, Bangalore. This section is a valuable record of the growth of a vibrant learning centre – starting from a total lack of interest and even active resistance in the community. A non-judgmental but detailed analysis of life in the slum and its impact on children and their education runs through the narrative. The nature of the emerging interaction between Margaret and the children is obviously on an equal footing (no 'do-gooding' pity-taking business over here), with the children having as much say as the teacher. The 'students' emerge as personalities the middle class, alas, does not get to see – they have sharp independent minds, courage and initiative, and can take decisions as well as responsibilities, despite the misery and violence that they endure or themselves contribute to.

When some of these children find the contradictions between what they learn at the centre and the life they lead at home too confusing to bear, they simply decide to stay with the teacher till such time as the contradictions are settled, one way or another! Thus is born a 'residential home' which houses a number of these children – and which goes through its own travails before it can function efficiently – painstakingly achieved through getting all children to take their responsibilities and work as a team. The home thus is as much a learning ground for the children (and their teacher) as is the actual centre.

What Margaret learns through two decades of such experience is the slow, intense and responsive nature of educational interaction, without which sustained inner growth cannot really take place among children. Her involvement with the development sector through NGO programmes, however, pitted her against contrary requirements – work hard but quick, and on a large enough scale over a short span of time – in order to justify the continued existence of the programme. Education emerges as being opposed to educational programmes of this kind!

Working in remote villages in the backward district of Raichur, Margaret is confronted with a debilitating (and destructive) set of hierarchies. Groups that dominate the poor because of their caste or economic clout resort to violence and intimidation to ensure that

the educational effort is blunted. Even where the programme comes through such danger, it still collapses under the weight of its own vertical hierarchies, generated in order to run a larger scale of operations. Again, the interests of those powerful in the organisational hierarchy run to preserving or bettering their position – at the cost, naturally, of the goal that the educational programme itself is purporting to achieve.

Here Margaret is able to compare the differences between the kinds of teachers encountered in different contexts: cities, slums and villages. The first are confident but unwilling to accept their shortcomings, the second honest enough about their limitations but tending to be impetuous, while the third are only too happy to be told what to do! Similarly, programme personnel too can be seen as running to type, more often victims of the path they have chosen.

Such experience also helps her formulate her own concept of education. There is thus a second section in the book which sums up her insights, backed by practical examples. There is, however, a sense of incompleteness about this as it tends to fall between an exposition of Margaret's own understanding and an effort to show others how they might do it. There is an uneasy feeling of randomness as one goes through the various lists of examples shared. In fact, a similar editorial streamlining to 'straighten out the knots' and better production values would have contributed significantly towards improving this book.

The book works best when Margaret recounts telling incidents that offer important insights. It is when she tries to weave these insights into a conceptual framework that the material seems somehow weak or occasionally debatable. This especially in view of the considerable amount of work in primary education that has taken place in the last decade across India – both in the NGO sector as well as through large scale programmes such as APPEP (Andhra Pradesh Primary Education Programme), Lok Jumbish in Rajasthan and DPEP (District Primary Education Programme) running in 15 states presently. Many of these programmes have tried to give the child a central place in their pedagogical model, with results that range from the ridiculous to the reasonably successful. What they do suggest, though, is that the teacher now has a greater range of options than ever before in terms of offering children meaningful learning experiences. And that the 'radical' rhetoric of the '70s is not only common knowledge now but is actually witnessing, at least in some places, serious effort at implementation.

As yet, however, the experience of such implementation has not found much expression in written form. It is in this sense that The Open Classroom remains a rare documentation of a concerned teacher's evolving engagement with children and other teachers.

Subir Shukla

PEHALA GIRMITIA by Giriraj Kishore. Bhartiya Jnanpith, New Delhi, 1999.

Pehala Girmitia, a sprawling narrative (in Hindi) of epic length, describes the life of Mohandas Gandhi during his stay in South Africa as a coolie/girmitia. The novel records the rise of a man from the narrow confines of self-centredness to a Mahatma of intrepid courage and profound humanistic compassion. A similar theme of Gandhi's eventful life in South Africa also figures in Raja Rao's *The Great Indian Way: A Life of Mahatma Gandhi*. Like Kishore's Pehala Girmitia, this too is a rewriting of a legend, but in context and style a hierophanous narrative. Rao ranks Gandhi among Rama and Krishna as the *puranic* narrative unfolds twenty-one years of South African experiences in Mohandas' life. Kishore's Pehala Girmitia, however, presents Gandhi as an ordinary man because Gandhi went to South Africa as an unemployed labourer like thousands of others on a one year agreement.

And from here starts a long series of struggles in defiance of white imperialism. The event of not taking off his headgear in the courtroom, or later the train journey to Pretoria when he was thrashed and thrown out from the first class coach by the whites, describe the humiliating moments in Mohan's life. These also help us identify the reasons for his subsequent radical transformation. While the narrative shifts smoothly from the present into the previous life of Mohandas, the reminiscences of his shy, youthful days at Porbunder appear more vivid in the train to Pretoria when juxtaposed with the description of the sudden opening of the coach door that brings this good natured girmitia face-to-face with the sinister face of apartheid.

The event comes as a severe jolt to Mohandas. Kishore's narrative reveals an astute skill in dramatizing the arrogance of white rulers. I translate: 'I know you people very well, filthy and contemptible, you people are like worms. It is our goodness that we allow you to hang on' (102). The subsequent narrative describes why and how the history and ideology of oppression pushed even the fellow Indians in South Africa into

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subscribing to the white man's logic and justify Mohandas' humiliation.

The novel presents Gandhi as a 20th century quest hero, a wanderer who must undergo the 'rite of passage' in order to become a leader of the masses fighting against the catastrophic gulf between whites and blacks under apartheid. Gandhi's struggles are presented in a way that re-affirm our faith in the buried heroic potentials of ordinary man. We look with wonder and amazement at his growth – from an ordinary man to one attaining heroic dimensions – as we follow his painful but resolute journey to self-realization through the well-known phases of legal service to the Indians as a coolie barrister, loyalty to British as stretcher bearer in the Boer and Zulu wars, and finally to dispossessing himself (and his family) of all worldly possessions and taking the vow of *brahmacharya*. Through all this comes the discovery of non-violence and the practice of satyagraha.

His satyagraha against racist laws forced him into deep introspection about the cowardice of all those natives who suffered humiliation by South African whites and also of Indians in his homeland under colonial rule. He struggled on nevertheless, until the government headed by General Smuts agreed to compromise in 1913. General Smuts, the emblem of barbaric forces and colonialist power, had to accept defeat against the strength and fortitude of satyagraha and *prem*. The dialogue between General Smuts and Mohandas Gandhi forms one of the more moving components of the novel (p. 879). Armed with wit, intelligence and philosophy of unsurpassable wisdom, Mohandas indicts the politics of racism and shows what is wrong with it. The love-hate relationship of Gandhi and Smuts goes down in history; Smuts paid a tribute to Gandhi after his death, saying that 'the prince of the world has left us.'

Mohandas' quest affects not only his relation to the social-political world around him but drives him into an inward journey, preoccupying him with self-knowledge in the mystic sense as he evolved his own version of self-abnegation and purification through trial and error. Nonetheless this journey, as Kishore registers, also brings him into conflict with Kastur (Kasturba) and his children. Kishore's foregrounding Kastur's point of view adds poignant drama to the novel. Gandhi could not succeed in converting her into an ideologue. As her rebellion figures at several places in the novel, we cannot help suspect that Gandhi's dedication to a set of principles alienated him from his role as a father to his children and a husband to Kastur.

The novelist's comprehensive perception of Mohandas is the result of eight year long intensive research in documentary evidence and his personal visits to Durban, Petermeritzberg, Johannesburg, Pretoria and Capetown to apprehend and feel South Africa from Mohandas' point of view. The novel, however, transcends the rigid confines of factual details in order to excavate and trace the shaping of Gandhi in these years. His actions and ideas subsequently inspired the best minds of the nation to evolve Gandhian social and political perspectives and themes into an ideology. The Gandhi saga will remain a living myth, a legend of unprecedented phenomenon.

The evocation of strife ridden South African ambience testifies to Kishore's keen insight and grip on the lived experience. The loose and baggy mode of the novel blends smoothly with an implicit historical awareness and appropriates the logic of realism which discovers its forms, not only in individual cases but in a series and over time. The lexicon and syntax of Mohandas' idiom in Hindustani (combination of Hindi-Urdu) in a sometimes halting style, find a skilled transcription in the flexible and composite medium of the novel and Mohandas/Mahatma appears as a credible presence in the annals of history and literature. Kishore's novel may well inspire many others to re-rewrite Gandhi.

<div style="text-align: right">Vanashree Tripathy</div>

CORPORATE RESTRUCTURING: Crompton Greaves and the Challenge of Globalisation by John Humphrey, et al. Response Books, New Delhi, 1998.

IN the early 1990s, Indians were told to look eastwards, ideologically, at Hong Kong, Singapore, Taiwan, South Korea, and Japan. These were all 'supposed' success stories of export-oriented, free market strategies of development, never mind the realities of the depth of governmental involvement, at least in Korea and Japan. As a part of the exhortation was the fable of Toyota and Hindustan Motors. Both were established in 1944. But look where Toyota is now, and where Hindustan Motors? The moral of the fable was that while the Japanese government's hands-off approach induced Toyota's growth, Indian policies stifled Hindustan Motors.

The contrast is, however, made more interesting when we are given some more details, as in the book under review (p. 57). In the early 1950s, the Japanese

market for cars was small. Only in 1959 did the total demand reach 250,000, the level then believed necessary to reach optimum size for one single plant. Faced with this situation, Taichi Ohno of Toyota began to examine ways by which productivity could be increased without necessitating economies of scale. This search led, eventually, to concepts of management identified with *kanban*, flexible production cells and quality-at-source. These concepts diffused across the Japanese motor vehicle industry and were copied by manufacturers across the world, not only those engaged in the automobile industry, but in a wide variety of manufacture.

The kanban system is based on the premise that production at any stage should be regulated by the pace of production at the subsequent stage. Thus, unlike in a Fordist production line, manufacture is pulled by the process ahead, rather than being pushed by the preceding process, and there is no room for work-in-progress to pile up at any stage. This leads to just-in-time functioning, '...producing the right quantity, with the right quality in the right place at the right time' (p. 60). Quality at source is determined by two factors: the requirements of the customer and the prevention of defective products, which wastes resources by producing scrap, increasing machine and labour time by requiring reworking and subsequent reinspection. Cellular functioning reproduces a mini-factory with greater worker involvement. It regroups machines in cells to manufacture entire products rather than group similar machines in distinct departments specialising in-discrete processes.

Crompton Greaves is, of course, an electrical engineering firm. However, its management came to know about Japanese organisational innovations through their contact with Japanese collaborators, and began the institutionalisation of change from the mid-1980s onwards. This book is based on a study of three of Crompton Greaves' main plants: one manufacturing circuit breakers, the second making induction motors, and the third manufacturing ceiling and pedestal fans for the consumer market. It is striking, as the authors point out that for a decade all management change initiatives '...were focused on promoting new procedures and forms of organisation rather than in developing [manufacturing] technology or acquiring computerised management information systems' (p. 45).

This is a significant observation. Empirical studies of the expenditure on industrial R&D by the corporate sector in India have shown that there was no significant increase in the post-1991 period. This seems strange. A priori it could be expected that the road towards 'international competitiveness' lies along improved manufacturing technology. However, Indian R&D figures show that corporate circles do not share this perception. It would be interesting to know whether, like the authors (and, presumably, the Crompton Greaves management) they share the view that '...one of the key issues facing India is not the amount of resources available, but the *effectiveness* of resource use' (p. 51, emphasis in original).

Why was (and probably still is) resource use at less than optimum levels? As long ago as 1984, Ashok Desai, no friend of then current economic policies, had suggested that both TELCO and Bajaj Auto, potentially serious exporters, would find it difficult to negotiate major technological collaboration agreements. In other words, they were both lean and mean, and evidently no squanderers of resources. Clearly, if the policy environment invited wasteful use of resources, all firms did not fall a prey to this temptation.

In fact, one of the major problems in restructuring in Indian conditions is reflected in the structure of this book itself. While the relationship with Crompton's suppliers is given a separate section of 60 pages, the relationship with the working force is covered in the section on intra-firm change, within 24 pages. Literally, of course, the workers are internal to the firm, while suppliers are external. However, it is one thing for senior management to feel that employees should work *for* the company, and not merely *in* the company (p. 45); another for the workers to accept this, particularly when the Indian system of industrial relations still does not concede the right to true collective bargaining.

It is important to emphasise this because the authors seem to believe that the absence of an 'exit policy' itself implies that industrial relations legislation is less than favourable to management (p. 133). In actual fact, such safeguards as the workers have against victimisation are due to the possibilities of mass protest inherent in the (spotted) functioning of our constitutional democracy rather than a pro-working class system of industrial relations. So the Nasik based circuit breaker plant, located in an industrial region is more troublesome for management in its pursuit of restructuring than the Ahmednagar based unit in Marathwada.

Crompton Greaves is obviously not in the business of refashioning industrial relations, even when modifications may be to industry's collective advan-

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tage. In the event, it has gone it alone, navigating between the problem shoals that restructuring of the very basis of the labour process inevitably bring to light. It is this that probably explains why the three plants were left free to take up the three components of just-in-time, total quality control and total employee involvement in the sequence they preferred. It is surely significant that in the two plants where JIT, the main factor behind measurable productivity increase, was introduced, the union was either 'defeated' (p. 139), or 'marginalised' (p. 140). In the switchgear unit, on the other hand, '...the workers remained supportive of the union, backing the [Datta Samant led] protest over the bonus' (p. 140). Here the management obviously felt under constraint, and it has (somewhat unfairly) been associated with the practice of making '...high profile interventions which bolster morale' (p. 109).

The second issue is that of suppliers. Since the early 1970s RBI sponsored report on delayed payment by large scale units to small scale suppliers, the issue of this questionable method of generating working capital by forced credit from suppliers has been a major bone of contention in small industries policy. It is not surprising then, to find the fans division of Crompton Greaves subordinating all the precepts of Japanese styles of supplier-management in its bid to raise the resources necessary to increase its market share. The more general point of policy initiative is again raised, whether this takes the form of prompt-payment legislation or bridge-financing schemes, if Indian industry as a whole is to move forward.

Why did it require the deregulation measures initiated in the 1976 budget, and reinforced in the 1980 budget, to bring home the weaknesses in Crompton Greaves, and for the new management, installed in 1985 (also the year of a key budget) to take steps to deal with the downslide? As is well known, the deregulation was, first, a part of the strategy of replacing public investment-led growth by giving the private sector its head; second, it was a strategy of betting on the (import intensive) consumer durables sector as the engine of growth, a strategy which was to have such disastrous consequences for the balance of payments by the early 1990s. It seems that K.K. Nohria, managing director of Crompton Greaves since 1985, understood that the consumer durables led strategic environment necessitated distinct forms of organisation even for a company engaged in the manufacture of intermediates and capital goods. (As an aside, the recent recruitment of a key Hindustan Lever marketing executive into the

stratosphere of the Tata decision-making process is an intriguing input to this proposition).

This change in the macroeconomic environment is an important element to be factored into any evaluation of Nohria's contribution to the Crompton Greaves turnaround. As the book stands there is a decidedly great helmsman aspect to the account of Nohria single-handedly suggesting and promoting organisational change. In fact, there is the danger that such an individualistic interpretation can lead to the conclusion that the reasons why organisational changes in Crompton Greaves did not lead to sustained productivity increases was due to the fact that all impetus for change come from an individual. Obviously, the thrust has to be initiated and sustained from the top, but there is little or no evidence in the book that these thrusts carried conviction at lower managerial levels, let alone on the shopfloor. More important, the context would make for a more nuanced evaluation of the role that familiarity with Japanese inspired ideas were to play. To repeat: why did TELCO and Bajaj Auto not have to look eastwards?

This is an important book for at least three reasons: first, it sets out comprehensively what Japanese management is all about, without making it seem self-evident, or easy to implement. Second, it presents a case study of a large firm manufacturing complex products, and deals, with admirable frankness on the whole, with the problems the firm faces in restructuring its manufacturing operations. Third, it opens discussion on the critical issues of policy on industrial relations reform, and on supplier-customer relationships. These issues have bedevilled Indian industry for 40 years, and will thwart a general restructuring of industry unless squarely faced. It can only be hoped that the various Chambers representing industry will take the trouble to do precisely this.

Nasir Tyabji

INDIA IN THE ERA OF ECONOMIC REFORMS
edited by Jeffrey Sachs, Ashutosh Varshney and Nirupam Bajpai. Oxford University Press, Delhi, 1999.

IT is nearly a decade since India embarked on the 'liberalisation' path. Liberalisation, as used in this book has three elements: macroeconomic stability, privatisation and opening up to foreign trade. Successive governments have followed this path and many a commanding height of the economy has been ceded to the private

sector. The experiment has yielded higher growth rates than those experienced in the decades since Independence prior to the start of the reforms. The state, however, continues to produce a large number of goods and services (mostly inefficiently) and foreign trade continues to be fairly protective.

Most political parties have factions supporting and opposing any further liberalisation. Those opposing the reforms tend to be more vocal. The steady (albeit slow) retreat of the state has been done surreptitiously, under the cover of darkness. This is true of a large number of developing countries, prompting an observer (the well known economist Dani Rodrik) to ask (of trade liberalisation in particular): 'If there are so many cherries on the table, why is everyone around it looking so glum?'

The book under review seeks to analyse the reform process from an economist's and political scientist's perspective. Of the eight chapters, six have previously appeared in the special issue of a journal.

In the introductory chapter, the editors review the background to the Indian reforms, compare India and China and argue what India should do in the light of the Asian crisis. This is familiar (at least to economists) territory. China has been extremely successful in fostering an export-led growth whereas India's export (and growth) performance has been extremely poor.

The next chapter by Montek Singh Ahluwalia constitutes the core of the book (in length about a fifth of the book). Ahluwalia, one of the leading exponents of reform, is now a member of the Planning Commission (Did you say a liberaliser in the Planning Commission!). One would have expected him to reveal juicy bits about where reforms got derailed, how his advice was overruled by various governments. Not so. All we have is a standard exposition of how the country was pulled back from the brink and how we can grow faster if we have lower tariffs, taxes and so on. A piece not wanting to tread on toes but repeating that much has been done and much remains to be done. A big disappointment.

The chapter on Indian public finance by Bajpai and Sachs is standard stuff. There is the urgency to reduce the budget deficit, which, however, is proving elusive. Privatisation, user charges, tax simplifications etc. are suggested as solutions. Comparisons are made with Asean countries but not China. That there may be strategies other than export-led growth is not discussed at all.

The three 'sectoral' studies are quite interesting. The chapter on agriculture by Eswaran and Rama-swami represents good use of economic theory to speculate on what might happen if Indian agriculture was freed of some of the straitjackets. They do not make rash generalisations and are careful about what might fly politically and what might not. Similarly, Zagha's chapter on labour laws is interesting because it suggests that India's laws have hindered investment and new employment (harmed 'the outsiders' in the labour force) without necessarily helping the employed (the insiders). Ghemawat and Patibandla look at constraints on the future growth of three of India's major exports. The prognosis is not very optimistic (even for the much-hyped IT).

The two chapters by political scientists are a let down. Weiner writes especially (exclusively?) for a western audience whereas Varshney puts forward some explanations as to why reforms were initiated when they were and why they have not moved forward. Financial reform is of concern to the elite and hence has moved rapidly, privatisation hurts the masses and hence is floundering. This reviewer is not convinced that this distinction is illuminating. Take, for instance, the ever-present proposal to tax agricultural incomes. It has never taken off because the rural elite, who would be hit, has successfully converted this into a town versus countryside issue So we are left without a real explanation as to why the reforms are so unmarketable or how sectional interests get portrayed (successfully) as national interests.

There are some typos and the book could have done with better copy-editing – Asean becomes Asian in Weiner's chapter, the material on p. 285 is a repeat from a few pages before.

Liberalisation requires a 'downsizing of the state'. The state is expected to confine itself to the provision of primary education, health, infrastructure and regulatory activity. How a (corrupt and inefficient) state in retreat would suddenly provide these is never made clear. Simpler laws could make implementation relatively easy but compliance is never assured. Look at the experience of the cut in income tax rates and tax revenue.

Let me mention another area where the role of the state is crucial but has not even been discussed perfunctorily in this book. That concerns the protection of the environment. Fast growth has usually been achieved at the expense of plundering the natural resources of a hinterland. A large continental economy like India (also China) comes, so to speak, with an internal hinterland. A ten per cent sustained growth rate (as in China) would spell disaster for the environment. The challenge is to

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evolve a strategy that will leave the natural capital relatively unmolested. The book under review does not even think this merits discussion. Sachs and Bajpai laud China's growth experience uncritically. Ahluwalia mentions environmental protection in the same breath as bribing the ubiquitous 'inspector'. Only Kotwal and Ramaswami want proper environment policies in place before implementing liberalisation of the agricultural sector.

A book that the converted would love but provides little to convert the non-believers. A pity since these are important issues which need to be debated.

Partha Sen

WOMEN AND HUMAN DEVELOPMENT: The Capabilities Approach by Martha C. Nussbaum. Kali for Women, New Delhi, 2000.

Martha Nussbaum is a feminist philosopher who has, at various points in her career, attracted flak from both feminists and philosophers. She first hit the headlines in 1996, when she testified in a trial over an anti-gay rights amendment in Colorado, demolishing the testimony of an expert witness who claimed that the ancient Greeks condemned homosexuality. A distinguished line-up of philosophers (mostly male) contested her stand, attacking everything from her looks to her ability to read Greek. Next, she took on Judith Butler, a doyenne of the post-modern feminist school, for her 'hip quietism' and pessimism about the feminist quest for justice. She has been trashed by Camille Paglia as a 'creature of PC coteries', and gushed over by the *New York Times*. In other words, not your usual run-of-the-mill senior academic!

Nussbaum's latest book reflects this background – it is sprinkled with barbs directed in equal measure at philosophers who do not share her feminist views and feminists who lack an appropriate respect for philosophy. She disapproves of 'feminists who disparage abstraction in a global way', just as much as she condemns post-modernist philosophers for 'a type of abstraction that turns the mind away from reality.' She states bluntly that much of what philosophers have written about women, sex and the family shows little understanding of women's experiences of subordination and exclusion. Nussbaum is surely aware that, in taking such uncompromising positions, she is laying her own arguments open to pitiless scrutiny from her peers. That she is able to provide an engaging, coherent and convincing explanation of why philosophy and

feminism need each other, is a tribute not only to her scholarship but to her commitment to both disciplines.

Nussbaum's basic contention is simple – that the normative approaches of utilitarian economics are inadequate guides to public policy because they ignore the situation of women. In her words, women's oppression and subordination are not 'rare cases of unusual crimes', but common realities everywhere in the world. Women are nowhere treated as ends in themselves, but are seen as means for the ends of others – as reproducers, caregivers, providers of sexual services, instruments for the economic prosperity of their families. In such a situation, economic and political approaches to development are bound to fail if they do not address the special problems women face, and pass the test of being of use to women.

In itself, this is no longer a revolutionary statement (although most people in the development business still balk at identifying such an approach as feminist – 'gendered' is the preferred label). Nussbaum, an avowed feminist, has no such problems. This book presents her version of the human capabilities approach (originally developed by Amartya Sen) as the feminist answer to the problem of defining a minimum level of basic human functioning that is consistent with respect for human dignity, and which can also be translated into political goals and developmental targets.

Nussbaum's use of the capabilities approach is a significant advance over Amartya Sen's original concept. For Sen, the idea of human capabilities is primarily a tool that development economists can use to make comparisons of the 'quality of life'. Nussbaum's project is more overtly political – to use the notion of a basic threshold of capabilities to arrive at a set of central constitutional principles that citizens have a right to demand from their governments. She offers her approach as a valid alternative to the principle of subjective welfarism – the idea that the perceived well-being of individuals should be the basis of social choice – which has been implicit in much of feminist theorising.

Nussbaum tests the practical utility of her approach – and makes visible the weaknesses in alternative approaches – by applying it to two complex and contentious institutional contexts: religion and the family. In the first case, the endeavour is to develop a political and legal strategy to resolve the conflict between religion and sex equality. In the case of the family, she addresses the challenge of respecting and valuing the 'womanly' functions of loving and caring,

while promoting the political goals of full equality and family justice.

Nussbaum uses three famous examples – the debate around the Hindu Code Bill in 1951, Shah Bano's claim for maintenance, and Mary Roy's challenge to the Travancore Christian Act – to demonstrate how claims of religious freedom and women's claims to their rights can conflict with each other. Nussbaum contrasts and critiques the major feminist positions on this dilemma. Most Indian feminists would agree with her opposition to cultural relativism, as her stand that women's interests are undermined by allowing communities to define women's rights in terms of their own traditional understanding of what is 'good'. But Nussbaum also sees pragmatic difficulties in the secular humanist position espoused by a large segment of the Indian women's movement.

The liberal feminist analysis of religion as a primary instrument of patriarchy, and the complete rejection of its validity as a source of core political principles, has contributed to the ideological stalemate that the Indian women's movement is confronted with on the issue of a common civil code. In Nussbaum's opinion, a related pragmatic error is that of failing to pursue alliances with feminist forces within each religious tradition in pursuit of common goals – again, a position that many Indian feminists have taken in recent years. Nussbaum further points out that the secular humanist approach negates the principles of respect for personhood and the right of individuals to define the meaning of life in their own way.

Nussbaum's ascription of an intrinsic value to religion as an important element in the human search for meaning is somewhat problematic in the Indian context. Although she justifies this stand on the grounds that religion is historically linked with the development of capabilities of artistic, ethical and intellectual expression and is a central vehicle of cultural continuity, this is a highly contentious proposition. To be fair to Nussbaum, she limits her political use of the capabilities argument to religious opportunity rather than religious functioning. Nevertheless, the distinction is a fine one to maintain in a situation where acceptance of a fundamental value in religion *per se* does not lead to an agreement on some universal religious truths. Instead, it is inextricably bound up with offensive comparisons of cultural, artistic and intellectual forms of expression within different religions.

Like the feminist demand for a common civil code, Nussbaum's argument for recognising and building on the internal diversity and plurality within each

religious tradition can be very attractive to those on the other side of the secular divide. Indian fundamentalists of every persuasion are strenuously arguing that theirs is the religion that permits the greatest space for heterogeneity and diversity, confounding feminists who, like Nussbaum, have based their political strategies on an imagined synergy between the subaltern traditions within the major religions.

To end the book, Nussbaum demonstrates how her notion of central capabilities can be the basis for a set of general principles for public action, aimed at creating citizens who are active planners of their lives and dignified equals. She then uses these principles (the creation of options for women, increasing their perceived contribution to wellbeing, and increasing women's selfworth) to 'adjudicate' on some contemporary debates within the Indian women's movement. These are the debates on the goals of feminism (changing of socially constructed gender roles versus improving women's economic status), and the controversy between those who do and do not support women's literacy.

However, this reviewer was left feeling a little disappointed. True, in each case, the capabilities approach demonstrates the validity and interlocking nature of opposing positions, but this is not as impressive a demonstration of its powers as Nussbaum seems to think. After all, the common sense approach too leads one to the same conclusion! One wishes that Nussbaum had developed her analysis of the positions of Indian feminists on the far more contentious issue of sexuality and sexual rights. Instead, she concludes a brief reference to the 'Fire' controversy with the statement that 'open conversation on the topic seems to promise a closing of the gap between the two groups of feminists.' Most people would agree that exactly the opposite is happening.

Nussbaum has been attacked by some social scientists for her presumption in writing a book about Indian women based on two visits to India and brief interactions with Indian feminists and development activists. Such criticisms are palpably unfair. In fact, Nussbaum's preface includes a powerful defence of the validity of the 'outsider' as researcher and suggests that 'in a situation of entrenched inequality, being a neighbour can be an epistemological problem.' Nussbaum does not claim to be an empirical social scientist; nor does she pretend that her book is the outcome of sustained empirical research. Her book is a philosophical project, whose aim is to develop a particular type of normative philosophical theory, testing her assump-

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tions by applying them to the experiences of Indian women as narrated by her informants, who, between them, constitute a comprehensive 'who's who' of the Indian women's movement.

Nussbaum's book, as she intended, reflects 'the systematisation and standardisation of thoughts that women are pursuing all over the world when they ask how their lives might be improved, and what governments should be doing about that.' She makes a strong plea for bringing the philosophical method into development theory 'as a counterweight to the philosophical assumptions of development economists.' Nussbaum feels that philosophers themselves are responsible for creating a situation where most people do not see the relevance of philosophy. Many feminists would agree that the same statement could easily be adapted to feminism! Nussbaum herself believes that it is possible to use feminist theory and the philosophical method to forge weapons for activism and struggle. Her book is a distinctive contribution to this process.

Kalyani Menon

MULTICULTURALISM, LIBERALISM AND DEMOCRACY edited by Rajeev Bhargava, Amiya Kumar Bagchi and R. Sudarshan. Oxford University Press, Delhi, 1999.

Baby Bear asked, 'Mama, Papa, what have you done? I thought we were vegetarians.'

Papa Bear burped. 'We are,' he said, 'but we're always ready to try new things Flexibility is just one more benefit of being multicultural.'

– James Finn Garner,
Politically Correct Bedtime Stories

EDITED by three Indians, with the majority of contributions from Indian scholars, and microwaved to perfection in the cool of Kasauli, such a multicultural *a la carte* collection cannot be allowed the pretensions of having contributed to political theory; instead, it can only be judged by whether the new menu of 'multiculturalism' can help the Indian state and its political order cope with the cultural demands made in the name of dogma and orthodoxy by the ethnic identities of various hues. Since the collection is titled 'Multiculturalism, Liberalism and Democracy', the assumption must be that 'multiculturalism' as a concept or strategy should somehow help us address our collective goals better than mere 'liberalism' or 'democracy'.

Indeed, this seems to be the burden of a very competent introduction by Rajeev Bhargava. He characterizes multiculturalism (ML) as an approach that 'stresses the importance of cultural belonging and legitimizes the desire to maintain difference.' Later, he argues that, 'ML embodies the politics of collective goals as well as a politics of difference,' something which liberal formulations and democratic formats do not particularly care to embody. Simply put, no one should be made to suffer on account of his/her cultural identity (however distinctly defined or idiosyncratically practised); nor should one be made to give up or compromise one's cultural identity as a price for receiving the benefits of citizenship.

The claim is that 'both sameness and difference can be a source of inequality and injustice. We must neither be discriminated on account of particular features of religion and culture nor, as a condition of citizenship, be compelled to set aside our cultural particularity. Somehow a space has to be found to accommodate cultural particularity within the political sphere shaped already by liberal individualism and republicanism.' In particular, there is need to be watchful against 'exclusion hidden within democracy'. In other words, watch out against the dreaded 'ethnic state'.

Does it then mean that every 'difference' is entitled to importance and attention on equal footing? Would not an exaggerated stress on 'difference' produce conflict in collective goals and in allocation of resources? Rajeev Bhargava makes further distinctions between 'liberal multiculturalism', 'authoritarian multiculturalism', and 'democratic multiculturalism'; he settles for the last one because 'it is fully prepared to tackle the tension between identity and belonging on the one hand and requirements of individual autonomy on the other, and to bring into the political domain both sets of issues.'

As Rajeev Bhargava sees it, 'authoritarian multiculturalism' is unacceptable because it 'negates individual liberty and autonomy' and instead, is 'obsessed solely with identity and belonging.' (The SGPC establishment would decide how a Sikh should wear his beard?) Liberal multicultural is, though, mindful of this oppression but chooses to make 'large areas of public life immune from political intervention; it simply allows inbuilt oppression and subordination to persist and by insulating the political domain from different identities, it ends up freezing difference.' (The Muslim ulemma would be the sole judge of changes needed in Muslim personal law?) (49)

What is more, 'democratic multiculturalism' insists on an engaging state, an interventionist state, a state which would not be 'indifferent' to 'oppressive cultural practices'; when a state fails to use its 'non-punitive' measures, subordination and oppression would fester.

This is slippery ground, and this is where an otherwise 'excellent' collection comes a cropper. Should, for example, the Indian state practice a bit of 'democratic multiculturalism' and make an attempt to excise the Muslim personal law of some of its 'oppressive' elements? But, then, who should judge what is 'oppressive'? Is sati oppressive? What is oppressive about child-marriage in parts of Rajasthan, if Rajput society sees nothing oppressive about it? Are there widely agreed upon, if not universally acceptable, standards of non-oppressive behaviour that a state can invoke without inviting the charge of subordination/domination/hegemonization?

Unfortunately, none of the excellent contributions help to clarify these thematic matters. And as R. Sudarshan (Governance of Multicultural Polities: limits to the rule of law) points out, there are consequences of celebration of difference for a democratic state order, based on rule of law: how to fix the parameters of the framework of basic values and shared interests. When conflicts inevitably arise on account of ethnic, racial, religious, linguistic, caste or even gender differences, how is the state to deal with them? More than the inevitability of conflict, there are problems of regulation of conflict.

Javeed Alam (Public Sphere and Democratic Governance in Contemporary India) laments that the democratic state is most reluctant to intervene. The idiom of democratic mobilization produces its own syntax of oppression. 'The route to power in the present configuration of forces is in a condition of disalignment with those which require respect for the individual and his rights.' These communities acting as collective personalities deny to individuals within their fold what they claim for themselves as collectivities. Can there be an enlightened establishment in a 'democratic state' that would be able in a clinically disinterested manner to undertake desirable intervention?

Not easy at all. M.S.S. Pandian ('Nation' from its Margins: notes on E.V. Ramaswamy's 'impossible' nation) points out the inherently unresolvable contests over 'certitude about boundaries, identities and political agency' and whether there was any finality about the 'rigid territoriality of the nation-space.' How to prevent a majority from imposing majoritarianism on reluctant minorities or how to make an ethnic group submit to the give and take of a fair political arrangement?

Admittedly it is wickedly wrong – as a multiculturalist would argue – for the Turkish state (an otherwise enlightened military-dominated government that seeks to keep the Islamic fundamentalist out) to deprive the Kurds of the rights of empowerment. But in a 'democratic state' the 'rules of the game' cannot be sorted out by reference to democratic multiculturalism. Should we object to a chief minister (Sheila Dixit) touching the feet of a Shakaracharya? Should an Akali Dal chief minister submit himself to the hukumnama of the Akal Takht? Why is it wrong for an Imam Bukhari to be seen as meddling in politics?

If anything, democratic multiculturalism will bring additional exasperation to an already exasperated democratic polity. In fact, P.K. Dutta's (*The Contest Over Space and the Formation of Communal Collectivities: Burial of a Fakir*, Calcutta, 1924) absorbing account shows how 'consensus' of rules of co-existence breaks down, as also the total unpredictability of response to 'secular' stimuli.

Disappointingly, Rajeev Bhargava ends up making a case for the old-fashioned liberal polity, nurtured and sustained by vigorous democratic impulses. He concedes that 'no strategy can work in the absence of an effective state. Conditions of peaceful co-existence are not reproduced automatically but require a fairly strong state. Second, a solution is hardly likely to work unless a modicum of democratic politics exists. A minimally democratic state may not be good enough but what it may manage to prevent is much worse.'

It may well be that just because western political scientists and polemicists have declared themselves to be enamoured of the curative potency of multiculturalism, we too are expected to flirt with the concept. Perhaps the semantic of multiculturalism is already creeping up on us. Believe it or not, a recent press release from the AICC declared India to be a multicultural society.

All said and done, the case for multiculturalism, as made out by Bhargava et al. becomes increasingly less impressive; none of the contributors are able to convincingly show the overwhelming desirability of upholding multiculturalism, especially at the expense of established practices and rituals of democratic order. Even a case for practicable flexibility has not been made out.

Harish Khare

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Comment

Giving values a bad name

THE brutalization of our society has a myriad faces. One might even be tempted, after the fashion of Mrs Gandhi talking to women who complained to her about the shortage of basic necessities like water, to offer the consolation that it is a global phenomenon. But of course, it was no consolation, not then, not now.

Whether it is the murderer Veerappan whom the high and mighty are eager to placate and exonerate because he has them in a lethal blackmailing grip; or Thackeray, whom certain others are eager to placate and exonerate despite the fact that he is, confessedly and unapologetically, guilty as charged. Or still others, ensconced in high office, whose exultation over the destruction of a medieval monument and the terrorizing of thousands of helpless, poor people is a matter of public record – it is clear that this brutalization is far advanced.

It is no longer confined to those ordinary citizens who look the other way when confronted with manifest injustice and inhumanity, who seek the consolation of amnesia because in our society the deadliest forms of brutalization are openly backed by power, even state power. In such a situation, it is hardly surprising that persons of sensitivity and conscience should be alarmed by the 'decline in values', the relentless and catastrophic deadening of our collective humanity. So far so good – actually, so far so terrible – but let's see where we go from here.

The first step would be to enquire into the causes of this present 'decline'. Fairly early in our enquiry, we will come up with the fact of capitalism and the collapse of all evaluative criteria into a single one of economic 'efficiency'. Obviously, such a regime has cultural and ideological consequences and corollaries – and in time we get a culture in which winning is all, in which losing is to become less than human, even though one must know that in any contest, there must be rather more losers than winners. The culture of individualism, me-first-ism, which inevitably reduces our collective existence to a zero-sum game in which one must trample upon others for fear of being trampled upon by them; the powerful ideology of managerialism which is, when all the platitudes and cliches have been recycled, all about manipulating other people in the service of a higher, indeed, the highest end of Profit: throw people out of work and call it 'downsizing', drive thousands to suicide and call it 'restructuring'; the degradation and criminalisation of our political culture, often in the name of some or other form of 'cultural nationalism'; and then, last but hardly least, our 'culture' itself, not the 'heritage' stuff but Channel V and MTV, the obscene celebration of a process that is already driving millions to destitution.

So, we talk about values. In a sense, of course, it is right to do so, and I hope to explain why. But first we must recognize that talking about values in such a situation is also the easiest thing to do – a cop-out even, as if there were some prior collapse of values that has led to the gloomy phenomena which are complacently accepted as 'given'. Whereas the sad state of our values as a people is only an effect, a symptom, a consequence of those powerful underlying processes, our 'degraded' values are only another name for our ordinary, everyday accommodations with the situations in which we are forced to live. The systemic signals emerging from this brave new world, too, are unambiguous – you must adjust. Because, to put it bluntly, these 'processes' and 'phenomena' are happening at a level that is beyond the reach of imaginable intervention.

The sphere of values, on the other hand, appears amenable to intervention. And while the process of value-formation happens everywhere – out on the street, in the bosom of the family – it happens also in the educational apparatus. This is the faith that under-

lies the present initiative emanating from the MHRD, and must be welcomed, albeit with some caution. It is saddening, then, to note that the documents outlining this initiative incorporate no critique of the prevalent pattern of education. Values are, by and large, seen as an arithmetic, even cosmetic, addition to the existing pattern, rather than a fundamental critique aiming at transformation.

Teachers are, understandably, prone to the illusion that what happens in the education system is of great consequence. Still, I am disinclined to believe that education alone can counter the tide of the great global processes that are undermining the possibility of a civilized future. But the ways in which education has evolved over the past several decades – with our connivance, let us admit – has also contributed to the process of degradation. Education is far from being the whole problem; perhaps it is not even a very important part, considering that it hardly touches the lives of the vast majority – but it is a part of the problem, nonetheless. And our ambition, now, is to become a part of the solution. Again, not the whole solution, perhaps not even a very important part of it, but still, a part of the solution and not any longer a part of the problem.

Going by the early signs emanating from the MHRD, the outlook is not encouraging. Consider what has happened to our education over the past few decades. I am not thinking of those underfunded *tat-patti* institutions where the really important issues are whether or not 'Saraswati Vandana' will be sung in the morning. I am thinking of those elite institutions where, cutting across ideological and all other divides, the people who matter ensure for their progeny the kind of education that matters. Here, for decades now, the humane and social content of education has been systematically hollowed out.

Language, it is beginning to be recognized, is a major casualty of this transformation. It is not that language and even literature are not 'done' after a fashion; nor even that the other humanities and social sciences have been banished altogether. They have of course been marginalized, even as the little suckers are encouraged to concentrate all their energies on crossing the magic threshold of the JEE and the PMT, to concentrate on the magic letters PCMB. Everything that does not conduce to that ultimate end is, in the eyes of ambitious parents and their poor obedient children, merely a distraction.

In the class and outside it, for arguably the most crucial years of their lives, these children – the candidate-elite, let us recognize, for they are already assuming positions of power – have been encouraged and even forced to cut themselves off from all those formal and informal learning environments in which they might encounter the messy and complex reality of the human condition.

Family life too is reduced to the relatively one-dimensional unit of the nuclear family: husband and wife and two children, leading anxious, shallow lives in a metropolitan flat, ricochetting between classes and 'coaching' until the magic moment when the great national lottery announces that they have earned a guaranteed future. Or not, as must happen in the great majority of cases.

But win or lose, they have all lost crucial years in which they might have become human and humane. Damaged individuals (exceptions, exceptions, there are always exceptions!), these are the success stories, the role models whose anomic self-obsession has, not surprisingly, a comprehensive demonstration effect that reverberates through society as a whole.

Let me repeat, it is not as if the humanities and social sciences, to use the bureaucratic formulation, have been banished altogether. But they have been retained in a bizarre form that misconstrues altogether the pedagogical function of these knowledges – which brings me back to the question of values. I am deeply sceptical about the possibility of teaching people moral rectitude. This seems to me to be particularly true in respect of canny children, who are in any case suspicious of their often hypocritical elders. Thus, children everywhere and always, have been given the 'right' kind of moral lessons, the standard sermons about being good, and so on. And yet, and yet – the world supervenes. People turn out good and bad as a function of other processes.

The most one can hope to do is not to implant moral rectitude, but rather to create moral sensitivity, to create an awareness of the complex world in which all our actions have consequences for known and unknown others. This simple fact, let us recognize, is the basis of morality anyway. And we are more and less moral to the extent that our minds, our imaginations, have been educated, enabled and encouraged to comprehend this ramifying interdependence. After all, why are 'bad' values bad? Because, to put it simply, they have undesirable consequences for others; because they affect known and unknown others in ways that would be unacceptable to us if we were to become aware of those consequences. Unless of course we are congenitally depraved, in which case sermons about being good will also have little efficacy.

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The traditional pedagogical arena for this necessary education of the imagination has been the 'humanities and social sciences'. It is here that the child can be enabled to enter into the lives and consciousnesses of people other than herself; to become aware of the subtle and nuanced ways in which, remembering Donne, we are all 'part of the continent'; to earn for herself and himself the moral insight that Miller's protagonist attains right at the end, that 'you are all my sons'; to catch the infection of Nazir Akbarabadi's *Aadminama*.

This pedagogical opportunity – which can work through educationally enabled acts of identification with real and imagined others, through history and sociology and drama and poetry – is lost if these too are reduced to bastard sciences. Because then, even here, one merely learns the 'right' answers in the manner propagated by the NCERT and the CBSE. While what needs really to be learnt must be learnt not as a form of words, but on the pulses, in the depths of one's being through those repeated acts of identification with Yudhishthira and Karna and Draupadi is that there is no 'right' answer; there is only the human capacity to look for the right answer.

What such an education, rightly done, endows the child with is the existential strength to make oneself vulnerable to the insight that, in complex human affairs, in our multi-dimensional interactions with the social and the natural world, one may never know the right answer. But also that there is nothing more important than always to be in quest of the right answer. Which means, in effect, to always be conscious that one may be wrong, that one may be harming others in ways that would be unacceptable even to oneself. Because one has, at least at the level of the imagination, been there too, been the victim of bureaucratic high-handedness, been the 'tribal' who has had his world submerged and destroyed, been the child who has watched his mother beaten, been the mother who has fallen asleep weeping for the child who will never return. Becoming aware that other people are people too, that other creatures are creatures too – that, to me, is the foundation of moral being.

When one looks at the prescriptive part of the present MHRD values initiative, one finds that it replicates all the pedagogical evils that have helped to bring us to this present sorry pass. Not surprisingly, because it reveals no awareness of what is wrong with the present neglect of the imagination in the school system and the substitution thereof by a regime of barren 'rectitude' sponsored by the NCERT and the

CBSE. The 'values' that it proposes to inculcate, too, emanate from something called a 'science of spirituality'. 'Cosmic consciousness' and 'flowing with the total' in order to move 'from unconsciousness to sub-consciousness to uni-consciousness to consciousness to superconsciousness and finally to cosmic consciousness' (M.K. Kaw, Secretary, MHRD, *Giving Value Education a Stable Infrastructure*) isn't quite exact science, but the ambition is clear.

It is not one of creating moral sensitivity and openness but rather of endowing its beneficiaries with moral certainties, with preferred forms of dogmatism. These certainties, not surprisingly, derive from the kind of eclectic 'pop religion' that is such an irresistible cocktail for so many people. The suggested list of contributing 'religio-spiritual' institutions has some surprising, and alas unsurprising, omissions – no Islam, no Sikhism – but making up those omissions will still not compensate for what is, on my account, the crucial deficit.

This unimaginative diet of 'rectitude' will at best provoke only apathy and contempt, and serve only to give the wholly honourable concern with values a bad name. The fact that the JNU and NCERT and UGC, among others, have apparently already committed themselves to setting up institutions to further this laudable but wrong-headed initiative emanating from the powers-that-be speaks volumes about the real 'values' that are operative at the highest levels of our supposedly academic institutions.

Alok Rai

Industry at the crossroads

WE see them everyday on our way to work and on our way back home: children begging at traffic lights. What seems new and different in Delhi is the deployment of a large number of physically disabled children. 'Deployment' is perhaps correct as so many young children could scarcely be operating on their own and some agency would be required to take care of their comings and goings. The disablement varies – it could be polio or an accidental loss of a limb or two and yet a look or a smile of gratitude from many of them shows an alert and keen mind, quite a shade keener maybe than the ones behind the steering wheels.

So is this another Sunday magazine piece on what should be done for these children, why the government is not doing enough, what the World Bank could do to help? Not at all. The limited question that

we examine here is how to maximise income from such an operation.

Why do we see so many disabled children? Is physical disability an advantage? It is obviously a disadvantage so far as mobility is concerned. Even perfectly able-bodied pedestrians survive Delhi traffic mainly by luck. If your entire working day has to be spent on the roads, should you not be athletic in body and mind? How do you earn, if you do not live? On the other hand, does disability evoke sympathy and kindness along with guilt and anger and thereby increase the per capita contribution? These are questions for the applied social sciences, that only further research can clear up. Of course, the explanation could be simple and entirely consistent with the observed and imagined gains of liberalisation – all the disabled adults who could be begging, already have office jobs.

Should a child be posted at a particular intersection everyday or should the workstation change? Changes make for job enrichment that usually motivates people to work harder. The advantage in sticking to a place is that more or less the same people come across you everyday and many of them could come to 'own' or 'adopt' you and save up little bits of their lunch to give you on their way back home. This seems to be recognised in the trade and 'possession' of a good spot

is retained by means fair or foul.

Not all drivers are the same and there would be many who dismiss you as soon as you approach. The majestic flick of the wrist Geoffrey Morehouse perceptively observed in his book on Calcutta, not only discourages the most determined toucher but absolves the driver of all responsibility in what is purely a matter for the state to worry about. What do you do? Do you persist, or go to the next car? Over the years, there has been a definite change in the strategy. One sees few of those persistent types who used to hang on and refuse to let go even when one started moving. Today, our friend will move swiftly on. Sometimes we suddenly spot a soiled one rupee note which we don't so much mind parting with and look around for him, only to find that he is gone.

What has caused this change? One reason certainly is that the number of vehicles on the roads has increased such a lot that it is not worth investing too much time on any one of them. Another could be that the younger lot is more conscious of the need to get along and that a resurgent India has infected even the temporarily dispossessed with the music of movement.

Is this Ragtime?

Ardhendu Sen

In memoriam
Ali Sardar Jafri 1913-2000

IT would be violative of the ideals and convictions of Ali Sardar Jafri to write his obituary. In one of his more celebrated *nazms, Mera Safar*, he declared himself to be immortal, as he would eternally live in the sweet song of birds and the musical smile of dry leaves. Even after death, he felt, he would remain alive so long as crops dance in the fields. And much like Ghalib, he too believed that one day all the golden rivers and blue lakes in the sky would reverberate with the music of his being.

Sardar was a rebel, freedom fighter, pacifist, radical activist, story writer, critic and documentary film-maker at once. But, above all, he was a poet endowed with exquisite imagination, one of the brightest stars on the firmament of 20th century Urdu poetry. Like all great poets he was a prophet engaged in unravelling the mysteries and ambiguity of human drama. The principal theme of his poetry was compassion, love, perseverance and sensitivity surviving amidst the callous inhumanity of our times. In his unique style, he depicted the exemplary survival of the human spirit in face of all-pervasive adversity and defeatism. In so doing he not only carried forward the traditions of Urdu poetry but enriched its treasure with new symbols and powerful imagery. Indeed, his poetry gradually evolved into a genre of its own kind whose influence is difficult to ignore among the present generation of Urdu poets.

It is less known that Sardar began his career not as a poet but a story writer. His first collection of short stories, *Manzil*, irked the then colonial regime. The result was his eight-month imprisonment in the district jail of Lucknow and Banaras. Soon, however, he abandoned prose and turned to poetry – the craft of which he later flowered into as one of its finest masters. With the publication of his very first collection of nazm and ghazal, *Parwaz*, in 1943, he established himself as a poet to reckon with. Five years later *Nai Duniya Ko Salaam*, an unconventional, longish nazm brimming with revolutionary optimism, took the Urdu world by pleasant surprise. Sardar had by then become a familiar and revered name.

Among his other poetic works *Khoon Ki Lakeer* (1949), *Ashia Jaag Uttha* (1951), *Patthar Ki Deewar* (1953), *Pairahan-e-Sharar* (1966), *Lahoo Pukarta Hai* (1978) and *November, Mera Gahwara* (1998) are remarkable, both for their theme and style. He also made four documentaries, *Phir Bolo Ai Sant Kabir* being the most outstanding one. Besides, he produced a hugely popular TV serial, *Kahkashan*, based on the lives and works of seven luminaries

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Study visits to West Africa

An opportunity to work on democracy and diversity in comparative perspective

The Centre for Democracy and Development (Lagos) and the Centre for the Study of Developing Societies, (Delhi) in partnership with the Ford Foundation invite applications from eligible scholars to participate in their programme "Democracy and diversity in a comparative perspective Exchange programme between South Asian and West African scholars" starting in October 2000.

The Programme aims at institutionalising mutual learning between scholars from the two regions by making them aware of each other's ideas, promoting fresh thinking about institutional mechanisms, assisting an informed and carefully formulated intervention from the South in the global discourse on democracy and also strengthening the existing networks within the two regions

Themes The programme is focused on formal and non-formal political arrangements that help accommodate social diversities within a democratic framework While the focus of this programme is comparative, scholars participating in it will not be required to carry out research on the other region or take up directly comparative research as in the sub-discipline of 'comparative politics'. The scholars under this programme may continue to work on themes related to their own country/region, but their exposure to theory and practice of democracy in a different setting through lived in experience and research would make them ask fresh questions about their own context We would like to be flexible in interpreting what can be covered under the main theme of 'democracy and diversity' It could include the following sub-themes

Ethnicity and Politics The role of politics in forging ethnic identities, plasticity or otherwise of politically salient social cleavages, institutional logic of crosscutting or reinforcing cleavages, Can social cleavages be deployed for deepening democracy?
Federalism. Power sharing arrangements for accommodating diversities with geographical expression, the problem of non-correspondence between the legal-political and the social-cultural boundaries, challenges and prospects of constitutionalism and the dynamics of party system in operation
Minorities: Political competition and the logic of manufacturing majority and minorities, the situation of the religious and ethnic minorities; participation of women in democratic processes; affirmative action for deprived sections
Institutional design and reform Consociational arrangements in and outside the constitution, electoral system; the structure of party system and its alignment with social divisions; specific innovations versus universal solutions.
Politics of Economic Liberalization. Political consequences of SAP; differential impact on various social segments; a retreat of politics?

Civil-Military Relations Army rule as sectarian politics by non-democratic means, security sector transformation, ethnicization of the army Ways to prevent social differences from taking the military intervention route

What the programme will fund. Under the conditions of the exchange programme, the study visits are available for three months The selected scholars will be paid international air-fare to and from West Africa Accommodation will also be provided besides living expenses of US $1,000 or its equivalent in local currency per month for a period of three months.

Eligibility The programme is open to all scholars who have a proven ability for independent research and innovative work and whose proposals promise to illuminate the dynamics of democracy and diversity and promote fresh thinking about institutional innovations appropriate for the management of diversities and difference
Young and women scholars are particularly encouraged to apply Eligible scholars must be based in South Asia and may come from universities or other organisational settings. The programme may also support independent researchers working outside of institutional contexts

Application Procedure. Interested persons should send their Curriculum Vitae with a Statement of Purpose (not more than five pages) to the address below. The application may be routed, if the institution requires so, through the head of the institution where the candidate works or studies
The applications shall be reviewed by a selection board and final results communicated to all applicants Short-listed applicants may be called for an interview.

**Statements of Purpose** must Give an overview of your academic interests and state
- Title of the proposed research work
- An overview of the focus of your proposed work in relation to any of the thematic areas
- A clearly defined outcome of the proposed work;

Deadline for receiving applications
October 30, 2000

Send applications and inquiries to:
South-South Exchange-Fellowship Co-ordinator,
Programme on Democracy & Diversity in Comparative Perspective
Lokniti: Institute for Comparative Democracy,
Centre for the Study of Developing Societies,
29, Rajpur Road, Delhi, 110054, INDIA
Tel.: +91 11 3951190; 3971151, 2942199
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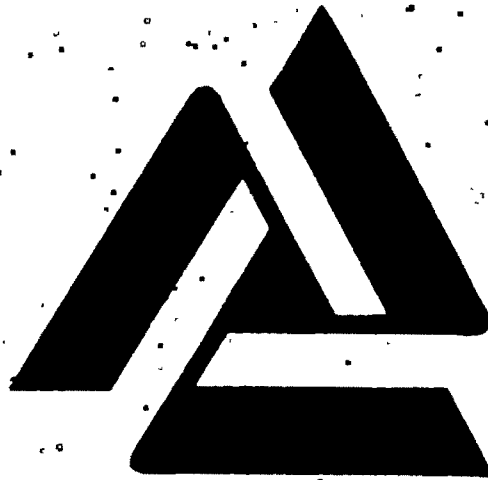
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of Urdu poetry – Hasrat, Josh, Firaq, Jigar, Faiz, Makhdoom and Majaz.

Sardar's early works reflected a restless yearning for India's independence from the colonial yoke. Equally intense was his yearning for the freedom and dignity of the proletariat. This was because of the strong impact of the Progressive Writers' Movement inspired by Marxism and the Bolshevik Revolution in Russia in 1917. As early as 1938, he joined the movement at its conference held in Calcutta and soon became one of its leading advocates. The influence of Marxism on his poetry was thus profound and everlasting.

As a result the poetic writings of his early phase were heavily ideological-political and hence somewhat propagandist in nature. Themes ruled over form, style and aesthetics. As a committed Marxist, he viewed society in perennial conflict: the conflict between exploiter and the exploited. Indeed his nazms of this period sounded a war cry against the capitalists and feudal lords. This binary approach, so dominant in his poetry of the forties and fifties, left little space for articulating other forms of conflict and complex nuances of human life. Works such as *Khoon Ki Lakeer*, *Ashia Jaag Uttha* and *Patthar Ki Deewar* are examples of such poetry. It would be, however, unfair to categorize all of Sardar's works, even of the early phase, as mere sloganeering. Some of the nazms really enthralled the hearts and minds of all and sundry and transcended the dry logic of political economy.

This blood, the fragrance of lips;
this blood, the light of eyes;
this blood, the colour of the cheek;
this loo, the peace of the heart;
sun of Mount Faran and Light of Sina and Tur;
flame of the word of truth, pain of a restless soul;
the light of the word of God, the Expression of Light
Divine;
This blood, my blood, thy blood, everybody's blood.

(Ye Lahoo)

With the publication of *Pairahan-e-Sharar* in 1966, one could see a noticeable shift in Sardar's poetry, both in terms of its grammar as well as form. In its preface the diehard, uncompromising radical of *Patthar Ki Deeawar* now declared that his nazms were no longer 'political documents'. Rather they were a 'cry of the heart and voice of the soul'. This shift found its finest expression in his book on criticism, *Paighambran-e-Sukhan* (1970). This work of extraordinary significance makes a comparative study of Kabir, Mir and Ghalib and underlines the richness and relevance of Bhakti-Sufi traditions for the proletarian

revolution. Given the disdain of dogmatic Marxism to culture and civilizational heritage of India, this undeniably was a bold, even heretical, endeavour.

In his later works Sardar not only pursued this idea further but turned it into a focal theme of his inquiry – in prose and verse alike. Consider, for instance, his essay, *Ghalib Ka Somnat Khayal* (1997). It underscored the purely Indian fragrance of Ghalib's poetry and, by extension, of Urdu poetry at large. It is rarely known that for Ghalib neither Shiraz nor Khansar were the source of poetic inspiration; it was instead the sacred world of Somnath whose famous temple was destroyed by Mahmud Ghazni in 1024 AD. Here mention ought to be made about his nazm, *Ajodhya*, written with a heavy heart following the demolition of Babri Masjid. He described 6 December as a day of penance, when insult was heaped on Ram, and Sita wept with blood in her eyes – a corrective to those who rejoiced over the demolition in the name of Ram and Sita.

Ali Sardar Jafri's firm faith in the efficacy and viability of tradition and cultural resources to meet the vexing challenges of our times was most eloquent in his cry for a war-free subcontinent. Deeply anguished by the Indo-Pak war of 1965, he exhorted the ruling classes on both sides of the border to sink their petty political interests and march hand-in-hand towards a shared future, a future based on civilizational commonality and peaceful coexistence. In a moving poem, *Kaun Dushman Hai*, composed in the wake of the war, he wrote:

Tum aao gulshan-e-Lahore se chaman bar dosh
Hum aaen subh-e-Banaras ke roshni lekar
Himalaya ki hawaaon ki taazgi lekar
Aur uske baad ye poochhen ke kaun dushman hai

Sardar's sane voice, however, was drowned in the cacophony of jingoism. It took more than three decades before leaders on either side of the border realized the necessity of initiating a genuine peace process. In 1999, when Prime Minister A.B. Vajpayee made the historic peace trip to Pakistan, he presented *Sarhad*, the first-ever album of anti-war nazms of Jnanpith award winner Sardar Jafri (sung by Seema Anil Sehgal) to his Pakistani counterpart. This was indeed the greatest tribute to the poetic vision of Sardar.

· Where politics had failed, poetics triumphed.

'Poetry begins in delight,' opined Robert Frost, and ends in wisdom.' This was certainly true in the case of Sardar; his poetry began in radical delight and ended in civilizational wisdom.

Irfan Ahmad

Backpage

RARE is it in a charged and fractionalised political climate that the 'turfing out' of the office bearers of a society and its takeover by the government evokes muted criticism, if not a sigh of relief. It is as if even those belonging to the political party to which the ousted management claimed proximity were much too embarrased by the functioning of the institution to protest against what, at least on surface, was a violation of democratic norms.

The institution in question, The Indian Council of World Affairs (ICWA), Sapru House to those less academically inclined, was for nearly three decades the site of crucial research and debate about the country's foreign policy. Its first-rate library, spacious conference facilities, the neighbourly presence of the Institute of Defence Studies and Analyses (IDSA) and the Press Institute of India, not to mention an inexpensive canteen and welcoming lawns, ensured that the facility became a favoured stomping ground of researchers, journalists and students. Being located at the Barakhamba Road circle helped – the area was the cultural hub of the capital – what with Triveni, Kamani auditorium, Sriram Cultural Centre, Rabindra Bhawan, the Sahitya and Lalit Kala Academies, FICCI, and Bengali Market next door.

The ICWA maintained its pre-eminence till its School of International Studies was merged with and shifted to JNU. With this move, its library lost some of its sheen and utility, as many of its journal holdings and archival records were moved out. With the property value far outstripping its brand value, scholarly interest in the institution declined, making it a prime candidate for takeover.

For over two decades, the ICWA society remained under the firm grip of Harcharan Singh Josh, a questionable Congress politician more reminiscent of the shady characters surrounding the extra constitutional authority in the Congress of the early '70s than its founding fathers. That Josh managed, repeatedly, to be re-elected president of the society remains standing testimony to public, in particular academic, unconcern about the 'planned' decay of our institutions. Why are we, therefore, surprised that more than being engaged in scholarly debate on foreign policy, Sapru House became associated with raunchy Punjabi plays like *Chadhi Jawani Buddhe Nu*.

Over the years, the once formidable library became unrecognisable – like the building and the environs it became seedy. At some stage, the IDSA too moved out. All that remained of its one time vibrancy was the Press Institute, tucked away in a dusty corner. Media reports of the goings-on in the ICWA – financial misappropriation, the conversion of one of the rooms into an entertainment chamber by Josh, and so on – are completely believable. No wonder, when Minister Jagmohan dismissed the office-bearers, took over the Institute and appointed a committee to re-furbish the place and restore it to its old glory, there was widespread acclaim for the decision. The grouse, if any, was about the delay in intervention.

This, however, is not the normal trajectory of takeovers, particularly of cultural and academic institutions. The memory of the IGNCA is still fresh. And though there was unease, albeit muted, about the way that institute was pampered and run, disbanding and re-constituting the society, in particular stacking it with individuals better known for their proximity to the ruling party than cultural, academic or organisational credentials, did cause substantial dismay. Similarly, few of us have forgotten how Bharat Bhawan in Bhopal was destroyed, first by the Congress and then the BJP.

Sapru House may well regain its old glory. So far the individuals requested to revamp the library and spruce up the property enjoy credibility This, however, is but the initial, and easy step. Once the enquires are over, blame apportioned and the guilty (hopefully) punished, will begin the more difficult task. Should such centres be run by a society/trust? What should be the extent of public funding? Should the management be left free to rent out portions of the building on a commercial basis to raise the needed monies for maintenance and upkeep? Above all, how should one ensure the involvement of the wider academic/intellectual community in the running of a public resource? Should not ownership, responsibility and accountability go together?

These are vital questions which need to be debated, constructively, so that decisions are not taken by default by bureaucrats and politicians. Leaving such matters to the government, or excessively relying on it for patronage has resulted in our public institutions being statised. Or alternatively, as is more likely these days, handed over to a corporate house on the plea of fiscal stringency. Either way, it would be an opportunity missed.

Harsh Sethi

WISCOMP

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Women in Security, Conflict Management and Peace (WISCOMP) is a an initiative committed to promoting an alternative, gender sensitive discourse on a range of issues related to peace and security in South Asia and beyond. WISCOMP invites applications from South Asian professionals and scholars under the age of 45 for its **Scholar of Peace Fellowships**. Awarded annually, the Fellowships cover a period ranging from three months to one year. Candidates interested in conducting high quality academic research, media projects or special, innovative projects may seek further information from:

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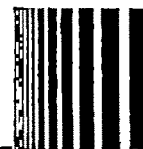VIMAL

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SITUATING SOCIOLOGY

a symposium on

knowledge, institutions and

practices in a discipline

symposium participants

The problem

WHEN it comes to choosing one's undergraduate degree in India, sociology and anthropology stand comparatively low in the pecking order. Medicine, engineering, accounting, computers – or other courses that can claim a 'professional' tag – are usually the first priority. If somehow, one *has* to do a BA, economics or history beckon brighter. When students do choose sociology or anthropology, it is rarely for love of the disciplines, but because these are seen as easy or scoring subjects, especially when it comes to sitting the IAS examinations. Yet, elsewhere in the world, sociology and anthropology are seen as 'happening' subjects, the number of students is increasing and despite the job crunch in universities, new fields are opening up. Even large US corporations seem to think that anthropologists and sociologists are useful creatures to have around as employees. Why then, does Indian sociology and anthropology suffer from this uncool image?

This difference of image between the disciplines in India and in the western world no doubt has several causes, including sheer size, resources and the ability to cover a large number of fields. However, surely the last two decades, when the hottest issues in the public sphere have been social and cultural ones, should have made some difference to our disciplinary status.

The eighties and nineties were the decades in which ethnic separatism spilled out of its 'traditional' location in the North East to Punjab and Kashmir; Hindu communalism experienced a major resurgence; caste conflicts acquired an unprecedented scale and centrality; various tribal movements questioned the hitherto sacrosanct logic of 'big' development; and the nation began to feel the massive cultural impact of globalisation.

Sociologists and anthropologists have begun to grapple with these questions, but we are still waiting for our voices to be taken seriously, for students to flock to our courses, and for employers to queue up to hire our students. The eighties and nineties should have belonged to sociology and anthropology. They should have, but we know that they did not, not really.

And why not? One might offer several partial answers: for one, the myth that the disciplines only study 'traditional' subjects like caste, tribe, village, ethnicity, or religion; second, dull teaching and old syllabi (not such a myth) which ensure that, even though these topics are clearly classroom dynamite, students of sociology are only exposed to damp squibs. Third, exciting new avenues of research are grabbed by competing institutions – for example, market research organisations seem to be better than sociologists at gathering large scale survey data to track, for instance, the impact of globalisation and the IT revolution on rural India; NGOs seem better at highlighting the problems of adivasis and the dangers of biodiversity theft; and TV journalists seem to have a better pulse on current social issues, even if the medium demands that complex problems be summarised in ninety seconds and solutions offered in ten.

Such competition has meant that sociology and anthropology are fast losing their producers and consumers. When journalism or NGOs can offer much higher pay and far superior working conditions than the UGC or ICSSR, who needs to become an academic, and a sociologist or anthropologist at that?

However, this is a situation we can do little about unless the public and the government give intellectual activity its proper place. Contrary to fast developing public opinion, the 'social sciences' are not a luxury in a developing country, but an absolute necessity. Without the sociologists and the anthropologists, the political scientists and the historians to maintain a critical perspective, the dangers of homogenisation would loom large. For example, given that (rightly or wrongly), sociologists tend to study those relatively disadvantaged, without them, an important section of society would go unreported.

Consumers of research like the educated public, interest groups or even government agencies might prefer NGO publications or media reports because they are much more readable, more efficiently produced, and seem more interesting or relevant, but at the same time they often lack a critical perspective and long-term, in-depth research. Moreover, the criterion of 'relevance' can never simply be its usefulness for state policy.

One positive or negative consequence, depending on which way you look at it, of the marginal status of Indian sociology/anthropology is that while we seem unable to do much good, we also seem unable to do much harm. If sociologists or anthropologists were accused of communalising the nation (or peddling

pseudo-secularism) as historians have been; if they were charged with selling the country to multinational capital (or stifling it with state socialism) as economists often are, then this might incite passionate people to join the discipline in order to 'liberate' it from the clutches of the enemy. The worst crime anthropologists in India are accused of is 'wanting to keep adivasis as museum pieces', and they haven't been too successful even at this.

By contrast, anthropology and sociology in the West have had a sufficiently sinister past, though this owes as much to US superpower ambitions as to features of the disciplines themselves. Sociology has had its share of controversies, ranging, for example, from the sensational revelations of involvement in COINTELPRO (Counter Intelligence Programme) activities against leftwing governments and movements in Latin America, through the active interventions of Talcott Parsons to secure the rehabilitation of German Nazi academics in the United States, to the widespread opposition sparked by the Moynihan Report blaming the 'dysfunctional' black family (rather than racial discrimination) for the crisis in black America.

And anthropology has, of course, been comprehensively condemned for its lifelong complicity in initiating and perpetuating western domination of non-western peoples, as well as its culpability during the Cold War when some anthropologists fed their work to the CIA. Indeed, the latest scandal to hit American anthropology revives all these charges yet again. *Darkness in El Dorado*, a book written by an investigative journalist named Patrick Tierney (to be published in November 2000), paints a grim picture of the activities of geneticist, James Neel, and anthropologists, Napoleon Chagnon, Timothy Asch and others among the Yanomami of Venezuela. According to Tierney, Chagnon's well-known and controversial portrayal of the Yanomami as inherently aggressive may have relied on concocted evidence, including specially staged fights between villages arranged for the ethnographic film he made with Asch, fights which incited genuine conflicts and inter-tribal wars.

However, before practitioners of other disciplines crow self-righteously (and quite undeservedly) about their own virtues, one might note that it is other anthropologists who have been the most concerned about their colonial past and such recent incidents. American anthropology in particular has come a long way since Vietnam, having set up committees to deal with and pre-empt such contingencies involving human rights and ethics. The system may be far from foolproof (as the Tierney book shows), but it is also true that comparable efforts are yet to be made in Indian social science disciplines where generations of surveying students have been inflicted on uncomplaining villagers with hardly a thought given to questions of ethics.

Where do Indian sociologists and anthropologists stand on their own misdeeds, minor as they may seem in comparison? Failing to make the disciplines relevant to the large numbers of dalit or women students who take them, failing to make them accessible by providing textbooks in the vernacular, or failing to package the disciplines well to prospective employers, may all seem like acts of omission rather than commission.

Yet, the next time we complain about the ideological takeover of social science institutions, particularly those organisations responsible for funding and guiding research in the field, like the Indian Council for Social Science Research (ICSSR), the Indian Council of Historical Research (ICHR) and the National Council of Education, Research and Training (NCERT), we need to remember the institutional context in which such coups are possible. Though it is the final act which attracts attention, the groundwork for such coups is usually prepared well in advance, in the form of a generalised atmosphere of mediocrity, patronage and apathy.

Of course, many of these complaints are not specific to sociology or anthropology, but part of the more general malaise that afflicts academic institutions in India. However, if sociology and anthropology are to come into their own in the national imagination, if they are to become the fighting force in social science that we believe they should be, we will have to do much more than we have done in the past. Reforming the larger institutions we inhabit is one step. What next?

13

SATISH DESHPANDE, NANDINI SUNDAR and PATRICIA UBEROI

Deja vu?

PATRICIA UBEROI

THIS *Seminar* issue on the disciplinary practices of Indian sociology and social anthropology is not, strange to say, the first time that sociologists have come together in this particular forum to debate the present and future of their discipline. Of course, sociologists (or a select handful of them) have joined other social scientists in commenting professionally on a wide range of themes of current public interest, and there are some topics – predictably caste and the caste system, the Indian village, the family, and the tribal situation – which they have marked as peculiarly their 'own'.

All the same, looking back over Seminar's forty plus years of existence, it seems remarkable that sociologists have so often sought to air their disciplinary anxieties in forums other than their own professional associations and journals. Indeed, they appear to have taken the lead in debating the role of the social sciences *in general*. By contrast, at least insofar as Seminar's modest record goes

–economists have been plagued by no such disciplinary angst. Nor have the management-wallahs, political scientists, psychologists, demographers and others. And it is only relatively recently, in the context of the Ramjanambhumi dispute, that the historians have similarly engaged in such public self-introspection.

What can be the reason for this'

I put the question, in an informa sort of way, to a number of sociologist of my acquaintance. Surprisingly only one of them gave me the obviou answer, namely, that my observatio was spurious. The phenomenon I ha commented on, he suggested, wa simply 'happenstance', the serendip tous conjunction of the Semina editors' personal networks and pa ticular moments in some individu sociologists' life histories. But, course, such circumstantial conte tualisations do not explain why th happenstance should happen so ofte in the case of sociologists (say, at lea once a decade for forty years), and n so much to other people!

'It's just a generational thing another sociologist elaborated wh pressed. 'Each successive gener

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tion of sociologists feels compelled to revisit and pass judgment on the disciplinary practices of their predecessors before they can go ahead and do their own thing!' Again, she did not explain why sociologists in particular should engage themselves so conspicuously in Oedipal struggles, while other social science disciplines, presumably, managed to mature without.

Other sociologists, including former participants in the Seminar debates, conceded the validity of my question, and sought answers to it in the peculiar circumstances of the practice of sociology in the Indian context; or, alternatively, in the specificity of sociology in relation to other social science disciplines.

'The problem,' one sociologist put it to me, 'is that we sociologists have no "memory", no sense of history. We keep on reinventing the bicycle!' By the examples he volunteered, ne seemed to have two things in mind. One was what one might call the arrogance of youth, whereby sweeping judgements are passed on the work of earlier sociologists, more on the basis of second-hand knowledge and ideological predilection than on actual acquaintance with their writings and personal biographies. Thus, the venerable Louis Dumont could be dismissed as doing merely 'Hindu ociology', where in fact Dumont's intellectual project was surely comparativist *par excellence*.

But, howsoever unreasonable, dismissal is at least a form of notice. Much worse is receiving no notice whatsoever. This was a point made by André Bèteille in a recent article in the *Sociological Bulletin* in which he cautioned against the pursuit of 'newness' for its own sake and commended gradualist or 'journeyman's' approach to the building of sociological knowledge.

'The problem with us,' Bèteille wrote, 'is not that the small amount of good work done by preceding generations is unjustly criticized by succeeding ones, but that it is ignored and then quickly forgotten. In India, each generation of sociologists seems eager to start its work on a clean slate with little or no attention to the work done before. This amnesia about the work of their predecessors is no less distinctive of Indian sociologists than their failure to innovate.'[1]

Though Bèteille saw amnesia as typical of contemporary Indian sociology, one wonders whether forgetfulness would not in fact characterise all disciplines which construe scientific knowledge as cumulative progress from ignorance towards truth. In this connection, I recall the look of horror and disbelief on the face of an economist friend when I tried to explain to her that I thought it important to seek a 'genealogy' for one's work in the writings of earlier scholars. She clearly saw no good reason to glance backwards while marching resolutely ahead, and one suspects that a similar sentiment must have inspired the librarian of the D'School Ratan Tata Library (so far as I know without public discussion) to consign all books published before 1960 to a relatively inaccessible part of the library, often locked up, on the assumption that all the knowledge therein must be hopelessly outdated.

This brings us to consider the second aspect of my interlocutor's comment on the disciplinary amnesia of successive generations of Indian sociologists: namely, their penchant for reopening issues that have been debated over and over again, as though these debates had never taken

place. An example of this temerity might be the continued flogging of the 'dead horse' of Indian village studies, using some of the same old whips. It would seem that no sooner had the *modus operandi* of village studies been established as normative sociological practice, linked to the statist project of community development, that the sociologists immediately broke rank to complain that village studies were a backward-looking enterprise in an emerging 'industrial society';[2] that the structural functionalist assumptions that underlay them afforded inadequate theoretical guide for those who sought to engage with such problems as communalism and religious fundamentalism, radical social movements, class formation, the industrial working class, and so on;[3] or that there seemed to be no way of traversing the yawning chasm between micro- and macro-sociological perspectives on Indian society, of 'finding ways to come to terms with the enormous complexity of India.'[4]

Another sociologist to whom I put my question gave a rather different reply. 'It's not that other social scientists do not engage in self introspection,' he asserted, 'but the economists do it somewhere else.' He was not suggesting that economists do their ago-

1. André Bèteille, 'Newness in sociological enquiry', *Sociological Bulletin* 46(1), 1997, pp. 97-110.

2. See I.P. Desai, R.F Kothari and I.S. Gulati, 'The problem', *Seminar* issue no. 7 on 'Our universities', March 1960, pp. 10-13.

3. See e.g , Satish Saberwal, 'For renewal', *Seminar* issue 254 on 'Studying our society', October 1980, pp. 12-18; N Jayaram, 'The social reality'. *Seminar* 254, October 1980, pp 18-22; D.N. Dhanagare, 'Search for identity', *Seminar* 254, October 1980, pp 23-26. Dipankar Gupta, 'The sociological imagination', *Seminar* 254, October 1980, pp 27-32; Anjan Ghosh, 'The working class', *Seminar* 254, October 1980, pp. 33-37. A.M. Shah, 'History and sociology', *Seminar* 338, October 1987, pp. 19-21

4. Satish Saberwal, 'For renewal', p. 18; see also D.N Dhanagare, 'Search for identity', p. 26

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nising in other Indian journals besides Seminar (as one might hypothesise in the case of historians, given Seminar's profile as a journal of contemporary affairs), but that their disciplinary priorities and protocols are set offshore, as it were, in metropolitan centres of learning, and merely implemented without further debate in India. Sociologists, he seemed to say, make at least some feeble gestures of resistance, show some signs of doubt and introspection, perhaps because it is their job to pick up the pieces and explain sociocultural factors and constraints when the economists' models prove wanting in practice.

In fact, the question of 'academic colonialism', as it came to be called, was one which sociologists (and others) debated at some length in a Seminar issue with that title in December 1968. The issue was altogether a feisty one.

Setting 'the problem' in the opening essay, Satish Saberwal described the several facets of the phenomenon of academic colonialism: (*i*) where foreign intellectuals contribute information for political domination and infiltration; (*ii*) where foreign intellectuals seek to use their status to influence local politics; and (*iii*) where Afro-Asian social scientists come into relations of financial, political and intellectual dependence on first world (particularly U.S.) academic institutions, moulding their research designs and priorities accordingly.[5]

As he saw it, the basic problem for academics in the non-West was: '[H]ow does the stimulus of communication with the international intellectual community balance against the

hazards resulting from the flow of data concerning our societies into the U.S. war machine? What are our options for improving the balance sheet? How shall we relate our research to the needs of our society, and how shall we communicate its findings to our local constituents, so that we may shed our clientship to patrons abroad, a relationship of subservience always and everywhere?'[6]

A partial answer to his question was provided by Rajni Kothari in the succeeding article of that issue.[7] The cure for the 'intellectual incapacitation' engendered by academic colonialism, Kothari wrote, was not defensiveness and righteousness but the development of 'a firm base in personal and institutional capabilities from where a position of equal and efficacious relationship with the rest of the world would grow.'[8] As standards of Indian social science research improved, and as Indian academics gained in self-confidence, 'the relationship of comparative research [would] become one in which he establishes a dominant rather than a dependent position, for it is he who is the local expert, not they, and it is he who knows what research goals and methods are most appropriate in the study of his society.'[9]

The key to the transformation, Kothari asserted, was the strengthening of professional bodies to give them 'a role and status in scholarly decision making.'[10] Thereafter, 'provided a positive approach is adopted and implemented, it should not be difficult to establish India as the base for

a great deal of cross-discipline and cross-country data accumulation and analyses.'[11]

Partially overlapping, but not exactly coterminous, with the problem of academic colonialism, was the question of the 'relevance' of sociological teaching and research – indeed, of the social sciences in general. As Yogendra Singh put it: 'Indian intellectuals (and the intellectuals in developing countries) find themselves dealing with categories and systems of thought, [...] methods and operations, which for historical reasons were developed in the West; they acquired [them], and continue to acquire [them], not as creative partners in the universal community of intellectuals but as the handymen of history. Their role thus tends to be more imitative than innovative.'[12]

The case for 'relevance' in Indian social science research was articulated most forcefully by sociologist P.C. Joshi in a Seminar issue on 'The Social Sciences' in September 1972.[13] 'Lack of relevance,' Joshi claimed, was the 'key problem' of the social sciences in underdeveloped countries like India, where social science had completely failed to provide solutions to basic social problems.[14] This he attributed to a variety of social factors, both institutional and intellectual/academic, among them the uncritical acceptance of western

5. Satish Saberwal, 'The problem'. *Seminar* issue 112 on 'Academic colonialism', December 1968, pp. 10-13. See also in the same vein, Yogendra Singh, 'Sociological issues', *Seminar* 112, December 1968, pp 25-29.

6 Satish Saberwal, 'The problem'. *Seminar* 112, December 1968, p 13

7. Rajni Kothari, 'The tasks within'. *Seminar* 112, December 1968, pp 14-19.

8. Ibid., p 17

9 Ibid., p 17

10 Ibid., p 18

11. Ibid., p 19

12. Yogendra Singh, 'Sociological issues' p. 27. See similarly, J.P Naik, 'Status and potential', *Seminar* 157, September 1972, p. 15

13 P.C Joshi, 'The question of relevance *Seminar* 157, September 1972, pp. 24-29. Se also Joshi's later essay, 'Perspectives in socia science research' The problem of relevanc or of value orientation', in Institute of Ecc nomic Growth, *Relevance in Social Scienc Research: A Colloquium*, New Delhi, Vike Publishing House, 1982, pp. 69-93

14. Ibid., p 24

(Anglo-American) theory, the 'ivory tower professionalism' associated with the ambition of social scientific value-neutrality, and the emphasis on 'technical sophistication without purpose.'

Thus, '[w]ithin economics, for instance, political economy or institutional economics are devalued in favour of abstract model-building or econometrics. Within sociology, micro-level social anthropology is valued more than macro-sociology. And, within social sciences as a whole, economics is overrated, leading to underdevelopment or neglect of vital disciplines like sociology, political science, social psychology, [and] economic and social history.'[15]

Few contributors conceded Joshi's argument in its entirety. Who was to decide the criteria of relevance? Were professional bodies yet in a position to do so with credibility and integrity? Was the relevance of social science research to be measured purely by its usefulness for governance? Surely, not all important sociological questions relate to problems of state policy and planning? What of the role of the sociologist as an interpreter of social processes in the broader sense, independent of the task of social engineering?[16] What of the role of the sociologist as social critic, often *contra* the state?[17] Can the social scientist manage to negotiate a distance from the state which is neither too close nor too distant?[18] Should the sociologist seek to address primarily government and policy-makers, or fellow profes-

5 Ibid., p. 26.

6 André Béteille, 'The problem', *Seminar* issue 157 on 'The social sciences', September 972, pp. 11-12.

7 André Béteille, 'The problem', p 12, also,) N. Dhanagare, 'Search for Identity'.

8. Rajni Kothari, 'The tasks within', *Seminar* 12. December 1968, p. 19.

sionals, or the general public? Ideally, all three, was one answer.[19]

Swimming against the tide of political correctness, Ashis Nandy pooh-poohed the whole idea of 'relevant research' as nothing but a 'conspiracy' to suspend the pursuit of international standards of social science research in India and to promote 'incompetence'[20] '[W]here quality is as yet scarce, such relevance-peddling will merely promote incompetence, which is in plenty.'[21] In fact, in the two decades since Independence, he asserted, there had been nothing but research on relevant topics: 'Prima facie, all of them are relevant. Prima facie, very few of them can be used by anyone, let alone the policy-makers (if that happens to be, by any chance, your concept of relevance).'[22]

Indeed, Nandy was not alone in wondering whether sociological research on current social problems had ever 'yielded any results of substantial practical value.'[23] Besides, as Andre Beteille could not forebear to point out, albeit a quarter of a century later, Joshi's questioning of the relevance of the entire western intellectual heritage to the understanding of Indian society was fortified with quotations from Gunnar Myrdal, Wassily Leontief, J.K. Galbraith and Simon Kuznets, with merely a 'passing show of deference to Gandhi and Mao' and 'no discussion of any Indian or other Asian social scientist.'[24]

19 S. Saberwal and M Khubchandani, 'The audiences', *Seminar* 157, September 1972, pp. 33-36.

20 Ashis Nandy, 'Conspiracy of incompetence', *Seminar* 157, September 1972, pp. 30-32.

21. Ibid., p 30

22. Ibid., p 31

23. André Béteille, 'The problem', p. 12.

24 André Béteille, 'Newness in sociological enquiry', p 109 He similarly castigated economist Sukhamoy Chakravarty's critique

Just a dozen years on from the 1968 Seminar issue on 'Academic Colonialism', the whole question was declared infructuous. An issue on 'Studying our Society: a symposium on the current questions facing sociologists' (October 1980), kicked off with the following provocative statement of 'The problem': In the late 1960s, the social sciences were astir in search of a direction and an identity. Phrases like 'science and swaraj'[25] were in the air. Expressing this mood, Seminar ran an issue on 'Academic Colonialism' (December 1968), responding to a growing and variously threatening foreign presence.

Over the past decade the scene in international politics and in academia has changed in some ways; and even though the social sciences in India have begun to be financed relatively well, the Young Turks of yesteryear discovered that greater insulation was not synonymous with better growth; that autonomy, personal and collective, could be stagnative as easily as creative.

The editorial went on to remark (with veiled allusion to the experience of the Emergency) that Indian sociologists had completely failed to comprehend the enormous changes taking place in their society, which, 'if gone out of control, could silence them indefinitely.'[26]

of economics teaching and research in India. Chakravarty had complained, among other things, that most of the textbooks used in economics courses are non-Indian, but his learned critique of current practice completely ignored the work of *all* Indian economists. See Sukhamoy Chakravarty, 'The teaching of economics in India', *Economic and Political Weekly* 21(27), 1986, pp. 1165-68.

25. The title of a paper by J.P S Uberoi, see *Contributions to Indian Sociology* (n s.), vol.2, pp 119-23.

26 'The problem', *Seminar* issue 254 on 'Studying our society', October 1980, pp 10-11

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Something seemed to have gone wrong somewhere, and it was neither absolute shortage of funds, nor lack of professional institutions.[27] Though teaching and research in sociology had expanded enormously, sociology seemed to have lost (or never managed to find) its identity as a discipline,[28] lost confidence in its tools and techniques,[29] and failed to address the real issues of current concern in Indian society.[30] Somewhat cynically one might note that references in the footnotes of some of the essays in this issue suggest that the sense of 'crisis' was not entirely a contribution from 'the margins' (as one would say today) to the rethinking of what the subject of sociology is all about, but more a delayed reaction to the turbulence within the western sociological establishment through the 1970s.[31] Though essays pleaded for a new beginning, and certain issues were tabled and commended for study, it was by no means clear where the new beginning would be made, and what the future might hold.

So much said, I would like to return to another of the responses to my original question: Why should Indian sociologists, among all social scientists, introspect so much, so publicly and so regularly on the nature of their discipline?

Throughout my discussions, and through the successive issues of Seminar that I reviewed, sociologists volunteered the opinion that socio-

logy was in some key sense *different* from the other social sciences. They were not in agreement as to where exactly this difference might lie, but some connected it with the methodology of intensive participant observation fieldwork, having themselves experienced situations in which informants 'talk back' to the anthropologist/sociologist and demand to know what the sociologist's researches will do for *them!* Typically, most sociologists took economics as their reference point, with history perhaps on sociology's other side (if they looked in that direction at all). Between the two, sociology occupied a liminal position, neither the one nor the other: Hence, its identity problem.

So, why are the economists not troubled by self-doubt the way sociologists are? 'Neoclassical economics won out against alternatives long ago, but sociology and history, for instance, have always been deeply polarised between left and right,' was one suggestion. 'Economics is more precise and mathematical. It deals only with the quantifiable. But sociology has to grapple with non-quantifiable aspects of social life as well,' was another. Linked to this was the idea that economics is primarily a 'policy science', especially useful to planners,[32] while sociologists have always been divided as to whether their discipline should

aspire to assist processes of social engineering or whether, like history, politics or philosophy, it should aim simply to arrive at 'a more critical understanding' of human society.[33]

The formulation was André Bèteille's in 1972. Twenty-five years on, he once again placed sociology in a matrix along with economics on the one side and history of the other. Economics is a 'generalising' discipline, concerned with universals, he now suggested. Historians, on the other hand, tend to be 'particularistic' – there are histories of this or that series of events, this or that person, this or that region. But sociology is a 'comparative' discipline.[34] Regardless of the fact that most Indian sociologists in practice work only on India, they must do so within a disciplinary framework that is essentially comparative. Bèteille seemed to be suggesting that it was this in-between status of the discipline of sociology – neither the one thing nor the other – that had given rise to the sociologists' penchant for narcissistic self-examination. Sociology is a discipline ever in search of its 'self'

Adding to this tension is the recognition that the sociologist's object of study is amorphous and ill-defined anything and everything can merit the sociologist's attention![35] Or, put another way, sociology acquired has no independent identity of its own but remains a 'residual category' invariably tagged on to a 'big brother

27. The Indian Council of Social Science Research had been established in 1969.

28 See Dhanagare, 'Search for identity'; Satish Saberwal, 'For renewal'.

29. N. Jayaram, 'The social reality'.

30 Partha N Mukherji, 'Disciplined eclecticism'. *Seminar* 254, October 1980, pp 38-43

31 For instance, Tom Bottomore, *Sociology as Social Criticism*, New York, Pantheon, 1974, and (ed), *Crisis and Contention in Sociology*, London, Sage, 1975, A.W Gouldner,

The Coming Crisis of Western Sociology, New York, Basic Books, 1970 ; and Martin Shaw, *Marxism and Social Science*, London, Pluto Press, 1975. Equally cynically one might point out that the earlier protest against academic colonialism also drew heavily on contemporary debates in the western academy on the Cold War role of anthropology

32. Ashis Nandy, as usual, expressed a different view here. Economics, he claimed, is useful to policy-makers precisely because, like statistics, it is so abstract that it is above or impervious to demands for 'relevance': sociologists, he seems to say, fail to be relevant basically because they try too hard! See Ashis Nandy, 'Conspiracy of incompetence', p 31.

33. André Bèteille, 'The problem', *Seminar* 157, September 1972, p. 12

34. André Bèteille, personal communication. Bèteille compares economics and sociology (though not in this case history) in these same terms in his recent paper. 'Economics and sociology: An essay on approach and method *Economic and Political Weekly* 35(18), 2 April 2000, esp. pp 1535-37.

35 N. Jayaram, 'The social reality', p 1 Satish Saberwal, 'For renewal', p. 12. D N Dhanagare, 'Search for identity'.

partner – whether economics, anthropology, politics or social work. As D.N. Dhanagare put it, 'the image of sociology in India could rarely outgrow [its] initial rickety constitution, despite sumptuous nourishment since the early 1950s.'[36]

In other words, many sociologists believe that there is a tension built into the practice of sociology (and not only *Indian* sociology), an identity crisis that is not shared by other social science disciplines, and it is this tension that compels sociologists to perennially engage in reinventing their bicycles.

So, what's new? In the early 1970s, sociologists and other social scientists appeared confident that adequate funding for social science teaching and research, along with the strengthening of professional organisations, would enable Indian sociology to declare independence from foreign sources of funding and dependent attitudes of mind, and to promote research and teaching more relevant to the needs of a developing country. By the 1980s it was clear that reasonable funding and institutionalised procedures for monitoring standards and legislating priority areas of research had merely created new bureaucracies and vested interests. It had not made sociology conspicuously policy-relevant; nor had it satisfied many sociologists that their discipline provided the conceptual resources and methodological techniques for handling the social issues they found most challenging.

At the turn of the century, to go by presentations made at a recent symposium on the history of sociology and social anthropology in India,[37] Indian

sociologists continue to express concern that the institutions set up to promote their discipline appear to have lost their vision and sense of direction, to have prematurely aged even before they had fully matured. At the same time, there has been stagnation, or even cutback, in government support for social science teaching and research, impelling universities and research institutes to diversify their sources of funding by means of project grants of one kind or another. Ironically, this withering of financial support has taken place even as government at various levels and through various mechanisms seeks to exert tighter controls over appointments, syllabi and dissident opinion.

Forced to go where the funding is, the sociologists' research priorities and criteria of relevance are determined by the sponsoring agencies, whether government or, increasingly, the big, extra- and multinational funding agencies. Each has its attendant hazards, but in either case the role of sociology as social engineering is likely to prevail, for every project – if it is not to be deemed infructuous – is expected to yield a clear set of policy implications and recommendations. Moreover, cross-country comparative projects, though often lushly funded, tend to be devised without consultation with the Indian partners who are merely expected to execute the Indian 'country study' according to a predetermined protocol. Not altogether unjustly, sociologists of the 'old guard' who decry the project culture are accused of trying – Canute like – to stem an invincible tide, of 'sour grapes', or of having no reasonable

alternative to offer in a grim situation of 'project or perish'!

Apart from their shared concern over the fate of institutions, sociologists now voice two main anxieties. One, on which they are mostly agreed, is the decline in 'standards': in fact, this was a refrain from the 1960 Seminar issue on 'Our Universities'. This is partially linked, as it was earlier, to routinisation and bureaucratisation in the academy and to the expansion of vernacular language teaching without adequate infrastructural backup, but also to 'political interference', whether through caste-based reservations or other extra-academic pressures.

Another is the relationship between sociology and its twin, social anthropology, and between these and other social science disciplines and new intellectual trends and movements. For some, renewal can only come about by bringing inputs from the disciplinary 'margins' into the mainstream of sociology teaching and research – feminism, for instance,[38] while for others, indiscriminate flirtation would spell doom for a discipline which continues to struggle to find its own self.[39]

In any case, what one does *not* hear, nowadays, is a renewed call for intellectual self-reliance, or protests against the academic neo-colonialism of the project culture. Such an antediluvian protectionism would surely be completely misplaced in a globalised culture of social scientific knowledge.

Or would it?

36. D N. Dhanagare, 'Search for identity', p. 24.

37 Symposium on 'Knowledge, Institutions, Practices· The Formation of Indian Anthropo-

logy and Sociology', Institute of Economic Growth (Delhi), 19-21 April 2000 See the report of this symposium, 'Indian Anthropology and Sociology· Towards a History', *Economic and Political Weekly*, 10 June 2000. pp. 1998-2000.

38 A productive debate on this theme took place at a seminar, 'Recasting sociology', held at the Jawaharlal Nehru University in March 1997 In respect to the impact of feminism on mainstream Indian sociology. see Sharmila Rege's essay in this issue.

39 André Béteille, 'Newness in sociological enquiry'

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Teaching and research

ANDRÈ BÈTEILLE

MY professional experience (and to a considerable extent also my personal life) has been shaped by my work as a sociologist in the Delhi School of Economics in the last forty years. The DSE has been noted for its open, liberal and cosmopolitan atmosphere, and several of the persons there with whom I have worked have achieved great renown, both nationally and internationally. At Delhi, I have had students from every corner of India and from overseas. I have also spent time in academic institutions in other countries, in Britain, the Netherlands, Germany, France and the United States. But while I value greatly my association, in some cases long and continued, with individuals and institutions in other parts of the world, my view of my discipline and my profession has been marked indelibly by my location in the DSE. Intellectually, I view myself as being cosmopolitan but not footloose.

As an institution, the DSE has responsibilities for both teaching and research, and it has been noted not only for outstanding scholars but also for outstanding teachers. Although I have published my modest quota of research papers and monographs, I have in my career always put teaching ahead of research. I cannot tell how it might have been if I had been a professor at Cambridge or Amsterdam or Chicago, but feel that my priorities

accord well with the demands of the Indian university system. I find nothing more tedious than the sympathies showered on me by expatriate colleagues for the heavy burden of teaching that I am presumed to carry.

I always believed, even before I became acquainted with the ideas of Wilhelm von Humboldt, that a university should stand for the unity of teaching and research. In the modern world, no university can afford to neglect research; at the same time, universities in a poor country such as India cannot afford to promote research at the expense of teaching. The American idea of the 'research university' would, in my judgement, be something of an anachronism in India.

Any professor of sociology in an Indian university who takes the demands of both teaching and research seriously is bound to be struck by a certain tension between the two. In one's teaching one has to take account of theories, methods and data relating to all human societies everywhere; the study of Indian society occupies but a small place in the province of what may be called 'general sociology'. On the other hand, the empirical research that Indian sociologists undertake is confined largely to India. The reasons for this confinement are many and diverse, but the fact of it can hardly be denied. To add to this, the empirical research done by Indian sociologists

in India has found very little place in teaching and research in sociology outside India. In general it may be said that, while Indian studies have benefited greatly from sociology, sociology has benefited very little from Indian studies.

Professionally, I have thought of myself as a sociologist first and an Indianist next, and my self-image is no doubt related to the great importance I assign to teaching. The uneasy relationship between sociology and area studies makes it extremely difficult for the Indian to sustain his image of himself as a sociologist, particularly outside India.

I have written at length about the relationship between sociology and area studies elsewhere (Bèteille n.d.). Here it should suffice to say that it not only colours the relationship between teaching and research in the Indian university but also casts its shadow on the teaching of sociology itself. Despite the great variation in the manner in which the subject is taught at the undergraduate and postgraduate levels in Indian universities, most programmes of teaching have core courses in sociological theory on the one hand and on Indian society on the other. Students invariably complain that there is very little fit between the two sets of courses. Teachers try to bridge the gap as best they can, but few of them are wholly satisfied with the result.

The anxieties that arise from the uneasy relationship between sociological theory and empirical research re rarely articulated in print by Indian sociologists. Yet they are deeply felt, and result in occasional outbursts. At well-attended conference in Delhi recently, I was berated by a young colleague who asked if it did not diminish my self-respect to refer repeatedly to the writings of western sociologists hen I know perfectly well that the

students of those sociologists never referred to my writings or even to the writings of more eminent Indian sociologists such as M.N. Srinivas or G.S. Ghurye. My view is that one should always be prepared to learn from others even when those others are not inclined, for good reasons or bad, to learn from oneself. In the world of scholarship there is something to be said for the scavenger who is able to retrieve serviceable ideas from other people's dustbins.

The question my interlocutor raised touches more than individual self-respect; it also touches national pride. National pride has on the whole a corrosive effect on scholarship, but it cannot be wished out of existence. In India, wherever it assumes ascendancy, it tends to make sociology parochial. I have already said that empirical research in India is for various reasons confined largely to Indian subjects. National pride, among other factors, tends to exert pressure on teaching to be similarly confined. This undermines the general and comparative aims of sociology as a discipline.

I have been fortunate in having colleagues at the Delhi School of Economics who have provided abundant support in presenting sociology as a general and comparative discipline. I have taught courses on sociological theories, political sociology, sociology of kinship, sociology of religion and social stratification. In these courses, particularly the last four, I have sought to cover material relating to the entire range of human societies from every part of the world, using without discrimination the works of sociologists and social anthropologists irrespective of nationality.

As an illustration of how my teaching and my writing have grown together, I would like to make a brief reference to my work on social in-

equality. My first monograph, *Caste, Class and Power*, was published in 1965. I had been a student in the department of anthropology in Calcutta and had moved a few years previously to Delhi to teach in a department of sociology. Very early in my transition from Calcutta to Delhi, I realised that class and stratification were central subjects in sociology which they were not in anthropology as it was then taught in Calcutta or in any other university in the world. I applied myself to the literature and taught myself many new things in the course of teaching my students.

In Caste, Class and Power, which was a lightly revised version of a Delhi University Ph.D thesis written under the supervision of M.N. Srinivas, I followed the established convention of the anthropological monograph based on intensive fieldwork, long stay in a community and detailed observation of its everyday life. But, instead of focusing on problems that were then central to anthropology such as kinship, marriage, religion and ritual, I chose class and stratification which were central to the concerns of sociology. That book was written with the conviction that the convergence of sociology and social anthropology was a distinct and exciting possibility, and that Indian sociologists could contribute something to its realisation. The book had a mixed response. I was sharply criticised by some anthropologists in Europe for trying to introduce class and stratification into a domain where they did not fit. On that point I believe I have prevailed over my critics.

Soon after the publication of my first book I was invited to edit a selection of readings on social stratification for publication in the Penguin Modern Sociology series. I found the invitation attractive not only because

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Penguin Books had a wide readership but also because the editorial advisory board for the series included both distinguished sociologists such as Tom Burns, Ralf Dahrendorf and David Lockwood, and distinguished anthropologists such as Edmund Leach and Frederik Barth. My single-most important objective for the selection was to ensure representation of societies of every kind from the most 'primitive' to the most 'advanced' as well as the writings of social anthropologists and sociologists of diverse theoretical persuasions (Bèteille 1969).

Both my Penguin Reader and a short work on inequality and social change published in India (Bèteille 1972) were adopted as course books by Open University in the United Kingdom, and they seem to have been widely read by sociologists in that country in addition to being used by students and colleagues in India. I have also had steady requests from editors of encyclopaedias in Britain to contribute articles on inequality; so I may presume that I have been of some service not only to my own students in Delhi but also to other students elsewhere (Bèteille 1985, 1994, 1996). However, a general and comparative work I wrote on inequality for Basil Blackwell (Bèteille 1977) received little attention; it was published in an Italian translation by a reputed publisher, Il Mulino, but I doubt that many people have read it.

In my career as teacher and author, I have been continuously preoccupied with the relationship between sociology and social anthropology (Bèteille 1975, 1993). That relationship raises questions not only about my own professional identity, but, more importantly, about the professional identity of all students of Indian society and culture. An interview for the Swedish periodical

Antropologiska Studier began with the following question: You are a professor of sociology, but in Scandinavia most people would probably think of you as a social anthropologist. There seems to be some confusion here. What is the relationship between sociology and anthropology in India? (Molund 1991: 31)

I answered that question with as much dignity as I could muster, but I doubt that my answer will have done much to alter the views – or the prejudices – of Scandinavian sociologists. For my part, I try to present myself as a sociologist wherever I am, for I feel that since I am a sociologist at home, I should also be one abroad.

I have always maintained that the study of Indian society has been greatly enriched by the work of foreign scholars in India and by the collaboration of Indian scholars with them. In the two decades following India's independence, a large number of western, mainly American, scholars undertook village studies in different parts of the country and their work, together with similar work by Indian scholars, significantly advanced our understanding of Indian society. But while the anthropologists who came to study India from overseas were joined by geographers, historians and political scientists, there were hardly any sociologists among them (Bèteille 1996a: 231-51). Edward Shils is the exception that proves the rule, for after publishing a monograph on the Indian intellectual (Shils 1961), he effectively discontinued his work on India.

Empirical research on India was greatly aided by the growth of area studies programmes in the United States from the fifties onwards. These programmes provided a basis for collaboration between western and Indian scholars belonging to a variety

of disciplines. But here again, area studies programmes in the United States and other western countries, or at least those concerned with Asia and Africa, have been notorious for the absence of sociologists. I was once told by a talented young sociologist at Chicago who had begun his career by publishing a book on Indian bureaucrats, that he had since shifted his interest to American society for he feared that he might fail to secure tenure in his own department of sociology if he persisted with his work on India.

Anyone who works in a university, and especially if he takes the responsibilities of teaching seriously, must give thought to the division of labour between disciplines. He may be greatly dissatisfied with the prevailing division of labour, but he cannot wish it out of existence. The division of labour within the social sciences in the great metropolitan centres of learning in the United States and Europe has not been conducive to my personal project of working towards the unity of sociology and social anthropology. For in those centres there is not only a marked separation between the two disciplines, but the study of Indian society and culture is placed within the province of anthropology and outside that of sociology.

No doubt it is in principle possible to ignore the division of labour in the great world outside and to carry on one's work in India on one's own in association only with Indian students and colleagues without concern for professional linkages with scholars in Europe and America. I have chosen not to do so, despite the obvious asymmetry in the relations. The only established American sociologist with whom I maintained a long personal association to my immense benefit was Edward Shils, but he is no more.

I have been more fortunate in my association with British sociologists with several of whom I maintain active professional and personal links.

The definition of the study of Indian society as anthropology rather than sociology in the United States and Europe harms the teaching of sociology in India. It also has an unsettling effect on the identity of the Indian sociologist abroad for, whether he likes it or not, there he is presented as an anthropologist. His interactions with professional colleagues are inevitably directed along prescribed channels. The Indian scholar who wishes to maintain close connections with western universities must learn to be a quick-change artist, appearing as a sociologist in India and an anthropologist in America.

The Indian scholar of proven ability – and there are now many – is especially welcome as an anthropologist in the United States. He brings with him not only technical competence but also the authentic experience of a society and culture which is of common interest to him and his American students and colleagues.

There are, moreover, practical considerations that lead anthropologists in north America and western Europe to seek out professional associates in India and elsewhere. Anthropology is a field science, and it has become increasingly difficult for an unattached foreign scholar to do field research in Asia and Africa. Foreign scholars must have institutional affiliation for themselves and their students in the countries where they do field-work. Student visas require a local supervisor in India, and I have myself offered service to many students from Europe and the United States. But I have found that with the exception of a few institutions, most notably Cambridge and the London School of Eco-

nomics, the students come to me for the visa rather than the supervision.

The organisation of research has changed much in the last fifty years. There is now more project research, including contract research, and here the social sciences have followed the lead given by the natural sciences. Project research is not always centred in the university, and the unity of teaching and research is not integral to its design. Foreign institutions, including foreign foundations located in India, are among the most munificent sources of funding for such research. Project research is characteristically interdisciplinary, but here again, where foreign funding is involved, the initiative for the project comes from the anthropologist rather than the sociologist even though his Indian collaborators may be chosen from a variety of disciplines depending on academic, administrative and financial considerations.

Indian scholars in metropolitan centres such as Delhi, Calcutta and Bombay have become outward looking to a remarkable extent. Fifty years ago the best Indian scholars went overseas for advanced study mainly with a view to returning to make their careers in India. Now increasing numbers of them seek full-time or part-time employment in institutions abroad.

As I indicated earlier, the absorption of Indian scholars in departments of anthropology abroad has been facilitated by a change in the orientation of the discipline in western countries, particularly in the United States. Authenticity of experience and the voice of the insider are now valued as much as detached observation and objective analysis. This creates a space for able and articulate Indians in American departments of anthropology which have an interest in Indian studies. Historians, political

scientists and, of course sociologists are accommodated in them presumably on the understanding that, as observant and reflective Indians, they add some value to the work being done there. Recently I received a letter from a premier American university requesting me to recommend names for a professorship in anthropology. The letter helpfully pointed out, 'we especially seek applications from women and minority scholars'. I had a fleeting temptation to put my own name forward, but, then, although I am of the right colour, I belong, unfortunately, to the wrong sex.

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Professionals without professionalism?

T K OOMMEN

OF the four great professions which emerged initially in the West, university teaching and research was one – law, medicine and ministry being others. Over time most occupations aspire to become professions, so much so that Harold Wilensky wondered in the mid-1960s whether all occupations were becoming professions! In defining professions, a three-set criteria is often invoked: (*i*) a set of objective attributes, (*ii*) a set of subjective perceptions by the professionals or the lay public and, (*iii*) a set of factors which influence the actual functioning of professions including individual motivation, group interest, the system of stratification, and so on.

The general reckoning is that while workers have 'unions', professionals have 'associations', and professional association is invariably implicated in defining and characterizing professions. Indeed, professionals are expected to demonstrate a commitment to their chosen field of activity by being active participants in their professional associations. The most important function of these associations is facilitating peer-group interaction, which in turn enhances professional knowledge, reinforces professional identity, augments social standing and increases collective bargaining power. The Indian Sociological Society (ISS) as a professional association should be viewed in this context.

The present ISS is a product of the merger of two professional associations: the earlier ISS registered in Bombay in 1951 and the All India Sociological Conference (AISC), an unregistered association which emerged in 1955. The first president of ISS was G.S. Ghurye of the Department of Sociology, Bombay University, who continued as president for 15 years till 1966. The two secretaries of ISS (J.V. Ferreira, 1951-54 and K.M. Kapadia, 1955-66) too came from the same department. Thus during the first 15 years of its existence the ISS functioned from Bombay, although nearly all the active sociologists in the country were its founder members.

However, its general membership was concentrated, although not confined, to western India – Maharashtra and Gujarat. During this period (1951-66), six symposia were held under the auspices of ISS. The *Sociological Bulletin*, a journal of the ISS, was launched in March 1952 as a biannual publication and has been regularly published since then. The AISC was mainly a conference holding body and it held six conferences between 1955 and 1960, each year with a new president. The first president of AISC was D.P. Mukherji, followed by R.K. Mukherjee, D.N. Majumdar, R.N. Saxena, D.G. Karve and Kali Prasad. It may be noted that the AISC presidency was not only a circulating one but was drawn from cognate disciplines – anthropology, economics and psychology. The AISC did not hold its annual conference from 1961 to 1966. In 1967 the two associations merged and M.N. Srinivas became the first president of this 'new' ISS.

The first conference of AISC was held in Dehra Dun in 1955. Counting from this date the ISS held 25 conferences, the last being at Aligarh Muslim University in 1998. Since 1967, presidents, secretaries and the 15 managing committee members (of whom one-third retire every second year) are elected regularly. While the ISS had a nomadic past from 1967 to 1988, its office moving with the secretary, since 1989 it is located at the Institute of Social Science, a non-governmental organization (NGO) situated in South Delhi. In 1998, the ISS acquired a flat of its own which is its current headquarters.

I have noted above that the ISS is a fusion of two associations, a trend contrary to what prevails in other disciplines, which is to split. Several reasons could be adduced for this. First, sociology is a smaller and relatively new discipline in India. Second, ideological polarization is not as marked in sociology as in some other disciplines (e.g. history). Third, the degree of specialization is not as sharp in sociology as in say economics which has separate associations of agricultural and industrial economists. Finally, the 'split' in sociology manifests in terms of different associations for anthropology and sociology inspite of the ambiguous disciplinary boundaries between the two disciplines.

The membership of a professional association is necessarily regulated through certain relevant prescribed qualifications. In the case of ISS it is training in sociology and a commitment to the goals of the association. Of the several types of membership – founder member, life member, student member, and annual member – the largest category is life member. A conservative estimate shows that there are at least 10,000 sociology teachers in India distributed among universities, colleges and schools. Apart from them there are those who work in the government, research institutes and NGOs. That is, there are about 15,000 practising sociologists in India. Of these only 1700 or 9 per cent are members of ISS. If membership in professional association is taken as an important indicator of professionalism, evidently only a small minority of Indian sociologists are professionally committed.

As in other democratic associations, professional associations too recruit their leaders through periodic elections. But there is a critical difference between the larger polity and a professional association regarding leadership qualities. In the case of the former any adult with a sound body and mind can aspire to the position of leadership, although only persons with some record of service to the community are acceptable as leaders. In the case of professional associations only scholars of high standing are expected to be elected to positions of leadership.

Generally speaking the elected presidents, the secretaries and managing committee members of ISS were of high professional standing. However, there have been some aberrations. In the fifty-year history of ISS, the presidency was contested only thrice – in 1985, 1998 and 2000. On two occasions, that is, in 1985 and in 2000, the contestants were scholars of high professional standing. But in 1998 one of the two contestants was an unemployed young man. Although equipped with a Ph.D degree in sociology, he had not yet started his career as a sociologist.

However, what surprises one is not the 'deviant behaviour' of a 'misguided youth' filing his nomination for the highest position in his profession, but the following facts. First, he filed his nominations for presidency, secretaryship and membership of the managing committee. And all the three nominations were proposed and seconded by the same set of persons – full-fledged professors from a university department of sociology. Clearly, neither the candidate nor his sponsors had acted in a professionally responsible vein.

Second, of the 649 valid votes polled for presidency in 1998, 64 votes, that is 10 per cent, were polled by this candidate. Further, of the 1650 eligible voters in 1998 only 650 voted; that is 60 per cent did not vote. This cannot be considered as professionally responsible behaviour. Third, there are instances when those elected to the membership of the managing committee were not only persons of low professional standing but did not

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even practice sociology. All these are indeed manifestations of a lack of professionalism.

The lack of professionalism that I am referring to is visible in other contexts too. The two main activities of the ISS are publication of Sociological Bulletin and holding of all-India conferences. One must note with satisfaction that the Sociological Bulletin has been published with notable regularity in the past half-a-century, a rare feat when compared with the publication record of other professional associations in India, particularly in the social sciences. But when one explores the 'inner life' of the Bulletin the picture is somewhat bleak. The Bulletin is a biannual publication and on an average publishes only a dozen research papers and two dozen book reviews a year. Although there are 15,000 sociologists in India and some 1700 of them are life members of ISS, the Bulletin does not receive even two dozen high quality research papers per year. As for book reviews, I understand from successive editors that it is difficult to persuade many sociologists, particularly senior ones, to review books. And, many of those who do accept are not always responsible enough to send the reviews in time, that is if they send them in at all.

There are a few points to be noted here. First, the English language is a limiting factor for a majority of sociologists in India. A large number of professionally competent sociologists are not comfortable with English as a medium of articulating their ideas. The possibility of publishing through Indian languages should be seriously explored. Hindi, the biggest Indian language, is spoken by more then 350 million people. Even Assamese and Malayalam, the smaller of India's 'big' languages, are spoken by 20 million and 30 million people respectively.

Compared to the national population of Europe, these are substantially large linguistic communities. For example, Finland with less than 10 million population has several sociological journals of professional standing published in Finnish language. Generally, when one publishes in one's mother tongue the quality and standard of discourse goes up. The Indian experience is exactly the reverse. Publishing through Indian languages is often the refuge of the incompetent. This should change. However, one need not think in either/or terms. One can be competent in more than one language – say English and Tamil or Hindi or Punjabi. This can augment our professional community.

Second, Indian sociologists, particularly those senior and established, are not comfortable about submitting their research papers for peer-review in India. (Although they willingly submit to this process by foreign scholars.) Often they want an invitation to write with an assurance that whatever they submit will be published. The editors often find it difficult to cope with this unprofessional attitude. Not that those who undertake peer-reviews are always impartial and professional. More often than not the 'background' of the author, rather than the quality of the research work, assumes primacy.

Third, the tradition of research is not strong in Indian higher education, even in university departments. I suspect that many of our academics rest content with their Ph.D research and even those dissertations are not always published. If and when they do get published, it is often through quite unprofessional and low standard firms, more printers rather than publishers. Understandably, research papers based on one's Ph.D work rarely find their place in high standard

professional journals. And, the handful of competent and committed scholars still look towards the West for recognition and hence publish in western journals.

Finally, and most important, the greatest bottleneck professional journals such as Sociological Bulletin face is the inadequate supply of professionally competent sociologists willing to accept editorial responsibility. Editorship of professional journals is often voluntary work and the recognition accorded to editors is certainly not commensurate to their competence and hard work. The secretaries of the ISS used to be ex-officio editors of the Bulletin till 1988. But in 1989 the ISS succeeded in locating a Managing Editor, M.N. Panini, who served for ten years. I may say with satisfaction, from this experiment that the willingness of even a few competent scholars to do voluntary work can go a long way in raising the standard of publication of a professional association; professionalism pays.

Let me now turn to the other major activity of ISS; the holding of all-India sociological conferences. During its existence of fifty years the ISS convened twenty-five conferences; not a bad record. But once again it is the 'inner dynamics' of the conference which reveals the level of our professionalism. To begin, it may be noted that it is extremely difficult to get invitations to hold conferences. There is no healthy professional competition among prospective hosts; the office bearers of ISS have often to solicit invitations. Not only that, the hosts expect the ISS to assume the financial burden of the conference, at least partly. Usually professional associations accept only the academic responsibility for conferences, the financial responsibility being that of the host. In fact, conferences are fund-

generating events for professional associations. For ISS, conferences have become fund-depleting projects, particularly in the recent past. To add to its woes, there have been instances, rare though, when ISS funds have been lavishly utilized by office bearers.

It is important to recall that till 1986 the office bearers and managing committee members attended ISS meetings, usually one or two in a year, by spending their own funds or through their employing agencies. However, thanks to the financial surplus created by the World Congress of Sociology held in 1986 in New Delhi, it became possible to reimburse the travel expenses to those who attend ISS meetings. Earlier the reimbursement was limited to ordinary second class rail fare. Gradually it was raised to second class AC and finally by mid-1990s the practice of giving air fare to office bearers and those seniors who were invited to conferences became common, resulting in the depletion of ISS funds. The point I want to make is that sacrifice and parsimony were replaced by lavishness. Is this an indication of eroding professionalism? At any rate, when one expends public funds, particularly of professional associations, one has to be extremely cautious.

A professional conference is different from a seminar. While one is invited to the latter, the former is only 'announced' by the association and all interested professionals are expected to attend. The ISS conferences are attended by roughly between 300 to 400 scholars, about a quarter of its membership. But the academic heavyweights seldom attend conferences unless they are specially invited to perform specific functions and paid for. This may be in tune with what is happening in other professional associa-

tions in India but presents a contrast to the sociological associations in western countries. For example, I have attended annual conferences of the American Sociological Association twice and seen nearly all top sociologists of the U.S. interacting with fellow sociologists, unencumbered by their 'professional weight'. For academic seniors in India to attend professional conferences is not a demonstration of their commitment to the profession but a manifestation of their attributed professional prestige.

It is important to refer to the 9th World Congress of Sociology (WCS) hosted by ISS in 1986 in New Delhi, the first of its kind in Asia. The WCS is the quadrennial congress of the International Sociological Association (ISA), the world body of sociologists sponsored by Unesco. By all accounts holding a WCS is a matter of great professional recognition and satisfaction for the national associations which are affiliated to ISA. Indeed, there is intense competition among the affiliating national associations to host WCS. It is a matter of great satisfaction for ISS that the 9th WCS was unanimously acknowledged as a great success. What is more, 1200 Indian delegates, three times the number for ISS conferences, participated, while 1800 foreign participants from 81 countries came for the congress. I was the Secretary General of the congress and worked for 18 months, on an average 12-16 hours every day, for organizing it.

I shall refer to a few instances which demonstrate the pitiable lack of professionalism among Indian sociologists in the context of holding the 9th WCS. An 'eminent sociologist' located in Delhi asked me the exact dates of the congress. I thought the intent of the enquiry was to organize his busy schedule so as to participate in the

congress. But to my dismay he added: 'I want to be away from Delhi during those days.' This need not be construed as callousness, but it is indicative of a utter lack of professionalism.

The second instance relates to an article in *The Hindustan Times* castigating the congress and its secretary-general because he was elected as member of the ISA executive committee. In the tradition of the ISA it is not unusual to elect the principal organizer to its executive committee. This article was inspired by some of my colleagues. But what was disturbing was not that some 'sick minds' were behind it, but that not one of the 1200 Indian delegates came forward to rebut it. However, the then president of the British Sociological Association, who was a participant at the 9th WCS, did rebuke the author of the article, a lawyer-journalist, in writing.

Third, a junior colleague of mine wrote a report on the 9th WCS, which was subsequently published in Sociological Bulletin. But he did not even mention the secretary-general, the lynchpin of the congress, by name or by designation. The rationale of this blackout was that the report was about the 'academic aspect' of the congress. I thought it was like writing the Ramayan without mentioning Rama! Finally, allegations about financial embezzlement were hurled at me. A 'friend' told me that it was rumoured that the secretary-general had pocketed at least Rs 5 lakh. Of course, I did create a surplus of Rs 10 lakh for ISS. The point I want to make is that when one spends valuable time and works hard for the profession, instead of being rewarded and recognized one is held in contempt, vilified and punished. Such a social milieu cannot produce professionalism. The clever ones keep off professional associations and write books and articles.

One more point before conclud-
ing: Two critical resources needed to
nurture professionalism are time and
money. Both should come as volun-
tary donations from the professionals.
I have already noted above that it is
difficult to find professionals in India
who are willing to convert part of their
scholastic time into associational
time. The unwillingness to contribute
financially is equally common. When
the ISS started in 1951 the life mem-
bership was Rs 100, which worked out
to be 25 per cent of the monthly start-
ing salary of a lecturer. The life mem-
bership was subsequently raised to
Rs 250 and then to Rs 500. Recently
it was raised to Rs 1000, which works
out to be about 10 per cent of the
present monthly salary of a lecturer.
Yet, there is considerable resistance
to the enhancement of life member-
ship at every occasion.

It is important to recall that a life
member of ISS is entitled to receive
Sociological Bulletin free throughout
his life, the annual subscription of
which is currently Rs 400. In this era
of liberalization, even those profes-
sionals who are its eloquent advocates
are still not out of the 'subsidy syn-
drome', insisting on free lunches. The
persistence of this orientation was
pointedly made clear to me in a recent
fund raising venture on behalf of ISS.

I referred to the WCS making a
surplus of Rs 10 lakh. When the WCS
accounts were audited in 1988-89, it
was stipulated that if the surplus funds
and interests accruing from it were not
invested in permanent assets within 10
years, 33 per cent of it would have to
be paid as tax. The surplus funds were
invested judiciously and grew to Rs 30
lakh by 1998-99. The standing com-
mittee appointed by ISS decided to
invest the amount in a flat in Delhi,
which could become the headquarters
· of ISS. The downside was that once

this was done, the ISS would face
financial difficulty in its routine func-
tioning as at present this expenditure
is met from the interests accrued from
the Rs 30 lakh. (In fact, the artificial
affluence of ISS for a temporary period
should be traced to these funds.) It was
against this background that the fund-
raising effort was launched.

The target was to raise Rs 15 lakh
which could be placed in fixed depo-
sits, the interest from which would be
adequate to run the ISS in a modest
way. Of the 1700 members of ISS, it
was hoped that at least 1100 would
make donations: 100 members paying
Rs 5000 each and 1000 members,
Rs 1000 each. But only 130 members
contributed: 18 members Rs 5000
each and 100 members Rs 1000 each.
Some 10 members contributed bet-
ween Rs 100 and Rs 500 and one con-
tributed Rs 10,000. Admittedly, the
fund raising project turned out to be a
dismal failure. Professional associa-
tions which insist on autonomy should
learn to become financially self-reliant.
The behaviour of the vast majority of
ISS members does not augur well.

Viewed from several angles – be
it the willingness and competence to
publish and review books in Sociolo-
gical Bulletin, the proclivity to attend
all-India conferences, the attitude
towards those who spend consider-
able time for ISS, or the willingness
to make financial contribution to the
association – one cannot claim high
professionalism among Indian socio-
logists. Yet it is true that the ISS is
among the well-run professional asso-
ciations, particularly in the social
sciences. But there is a need for and
the possibility of making tremendous
improvements. This article is written
not to castigate fellow professionals
but to hold a mirror unto them. Maybe
the image they see will help change the
reality!

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On crossing boundaries

SATISH SABERWAL

I BEGIN with a truism. Scholarship has to be seen in its social and cultural contexts. What one can do, and what one manages to do, depends on what the tradition nurtures, or at least on what it can be persuaded to accommodate.

In considering the historical dimension in the work of sociologists, it is obvious that many of the complexities of Indian society originated in the depths of time; and therefore attempts at understanding them have to try to comprehend the *society in movement*. Whether the 'movement' we consider is stretched over a decade or over a millennium would depend on our sense of the problem, on the manner in which the question is posed.

To be sure almost every sociological enquiry has some contextualization in time, and in several cases this has been substantial. One must take note of several distinguished colleagues, ranging from G.S. Ghurye to T.N. Madan in this context. On the other side of the fence, among historians, Romila Thapar has led the way in drawing perspectives from sociology and anthropology in her own work on ancient history. It has been a broad movement even if we think only of Indian scholars.

Space is short, however, and I propose to illustrate the difficulties in working in an interdisciplinary setting with reference to the case I know best,

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my own. My being a sociologist who was located in a department of history was quite exceptional. But I shall take recourse to an everyday sociological routine of examining the particular case, however exceptional it be, and then to look for general principles, as these can be seen working in that particular case.

I refer first to my training and work before I joined the Centre for Historical Studies at Jawaharlal Nehru University, for this is pertinent to the discussion. Cornell University, where I did most of my graduate work in anthropology, carries an emphatically interdisciplinary orientation, and my coursework included not only courses in sociology but also others in social psychology and in philosophy of social science. My Ph.D thesis sought to reconstruct the institutions of the Embu, an African people in Kenya, at the time of their initial encounter with Europeans. Later I did a long paper on political change in the society, analysing the extraordinary processes over a period of some sixty years – between the colonial arrival in the early 1900s and the time of my fieldwork, 1963-64; midway through my fieldwork, Kenya achieved independence. The intervening decades had included the Mau Mau movement in the 1950s and much else too. My sense of the past in this study was grounded in my informants' testimony and in the secondary literature from travellers and administrators.

My second study, in 1969, was located in a Punjabi town among three of the then lower castes. For two of them, the sense of time came principally from my informants' testimony; for the third, the Ramgarhias, whose ancestors had been carpenters and blacksmiths, understanding their contemporary situation required greater attention to a variety of secondary

sources, stretching over two centuries back. But I did no archival work.

In 1973, at the initiative of Romila Thapar, I was offered a faculty position in the Centre for Historical Studies, JNU. Promoting social history was part of this Centre's foundational charter, and they hoped that having a captive sociologist would help this effort. Thapar had found anthropological work on African societies suggestive for her own studies on ancient India. She saw the value of this learning across continents; so my African interest was also an element in my entering this Centre.

I spent nearly 23 years at JNU. These were eventful years, in many ways stressful. Interdisciplinarity at JNU has not always been smooth. In several cases, the lone 'outsider' located among numerous practitioners of another discipline has found himself at the receiving end, partly because of being 'different'. In social terms, my own experience at the History Centre, however, was unusually pleasant. Here I wish only to indicate the nature of the academic difficulties, and opportunities, connected with my cross-disciplinary location.

Initially, the Centre suggested that I teach a course on 'social change in modern India' – and then left me to my own devices. It turned out that there were vast gaps (i) between the *substantive* foci of their scholarly interests and of my equipment and interests, and also (ii) in the *scales* of some of these foci: on one side a predominantly Marxist concern with such phenomena as capitalism, colonialism and the national movement; on the other, the anthropological engagement with caste, village, tradition and modernity, and the like. Though both sets had been pursued within our university system, and both were concerned with the same society,

our habits of learning, as much as the structure of our society, have long carried the stamp of segmentation. The air was thick with talk of interdisciplinarity, but there was scant conceptualisation reaching across these separate fields.

I have told this story before, so I shall spare you the details of my fumbling. It took me nearly six years to recognise the promise in the phenomenon of communalism. Sociological monographs took note of the line of separation between Hindus and Muslims in their respective localities, but it was almost always incidental to their main theme. Until the appearance of Ratna Naidu's study in 1980, I could not find anything substantial on this crucial aspect of our society by a sociologist.

Indian historians had written on communalism, but their 'explanations', as of the late 1970s, seemed to me to miss the point. Marxist historians, like Bipan Chandra, who wrote on communalism at length, had great difficulty in taking the full dimension of 'religion' seriously; indeed they were much too sceptical of religious traditions to be able to comprehend the hold of these traditions on the faithful.

I approached the issue by recognising the significance of religion as a cultural integrator in a great many societies, especially in the pre industrial societies, and by exploring the long term consequences of certain kinds of abrasive counterposing of the different religious traditions. My focus was not on particular localities, or specific historical episodes, but on the general pattern of abrasive interactions between religious traditions; and I sought out evidence on this interaction through the widest range of historical junctures in search of a formulation of maximal generality. This led me, I thought, to grasp something

of the logic of communalism, in the early 1980s, in a manner that went beyond what either sociologists or historians had done until then.

The sociologist draws his academic authority from what is observed and recorded during fieldwork; the historian from what she finds in the archives and other publicly available records. Without availing of the authority of either fieldwork or archives, I had developed a substantial, and a defensible, argument on 'communalism'. This sensitised me to the potential of questions which cut across the domains of both history and sociology, and which lay beyond the nets both of the fieldworking sociologist and of the archives-working historian. I shall return to communalism in a moment.

In that vein, when in 1981 Ravinder Kumar sounded me about a fellowship at the Nehru Memorial Museum and Library, I thought I would attempt something more ambitious than the theme of communalism, namely to try to analyse what I saw as a 'social crisis' in contemporary India. My initial hunch was that this crisis arose in the lack of fit between India's indigenous institutions and those taken from the West; and that it was the malfunctioning of western institutions in India – which were crucial to our sense of wellbeing – that gave us a sense of crisis.

I mentioned my hunch to my friends in modern history, and they thought I was being silly. The key differences between Europe and India, they believed, were shallow in time, going back no further than the consequences of industrialisation in Europe and colonialism in India. Having read Max Weber, the sociologist, however, I had a strong feeling that they were mistaken; the differences probably went much further back in time.

However, Weber does not offer a connected historical account of what happened in Europe; and therefore to grasp the historical context of these western institutions, I had to track them back to their own beginnings, in the period well before Columbus. This enquiry, comparing the two sets of traditions, Indian and western, generated a set of studies published under the title *Wages of Segmentation*. This attempt at considering two civilizations, comparatively, had been exciting enough to persuade me to bring a third civilization, that of China, into my comparative frame in recent years.

Let me return to my location in the Centre for Historical Studies at JNU. Hitherto I have concentrated on the ideas which guided my writing during these years. But this location had another aspect. It was clear to me immediately after I joined the Centre that the archives held the key for anyone who worked in, or was close to, the area of modern history. The best students in the Centre for Historical Studies established connections with their future research supervisors in the context of the MA seminar. A faculty member who directed them to a block of files which generated a satisfactory seminar paper would be the obvious guide for more ambitious work later.

I had never before worked in archives. I did spend a few days each in the musty environments of both the Delhi and the National Archives, but had no particular historical question to put to their treasures. In the absence of such a question, I could see no point in spending hours and days and months wading through old files. Consequently, I was never able to offer a satisfactory MA seminar, one which would prepare students for future work as historians This was a major element in my choosing first to accept several years of administrative duties

in the university, and then to quit JNU three years before I need have done.

Having outlined my case history, let me turn now to some general issues. First, why be interdisciplinary, across history and sociology or any other fields? In dealing with issues which have long been domesticated in a particular discipline, you do not have to meddle with another discipline. In describing, say, the structure of the caste system in a village, the resources of sociology are adequate; you do not need history or psychology or anything else. It is only when we engage with real life puzzles of some complexity that we are likely to generate the motivation to draw on the resources of another discipline. My account has referred to puzzles concerning communalism and the widespread sense of disorder in Indian public life in the early 1980s. If we take seriously questions which will not fit into our neat little disciplinary boxes, these may not be amenable to the kinds of evidence, concepts, and analytic routines that have long been familiar in our particular discipline.

I mentioned communalism. Recently I spent a week in Lahore. In the Punjab University campus, I was taken to a class in philosophy, and a student in the class asked me a question: 'We feel that there is a good deal common between India and Pakistan. Why then did we have the Partition?' Now, Partition literature is a booming industry today, but I do not think it can answer the question in the mind of this young man. An adequate response must, it seems to me, go into the nature of the caste order, its capacity for both separating what is socially and culturally different and for integrating all that difference into a whole in the localities; and such a response must consider a string of historical junctures: * the Sultanate and Mughal conquests,

and their consequences for the conquered in their psychology and, therefore, in their myths and beliefs;

* the later hierarchies in the localities;
* the counterposing of these hierarchies with colonial ideas of evenhandedness during the 19th century, and the resulting turbulence all over the subcontinent; and
* the subsequent mobilisations on enlarging scales: mobilisations which turned out to be most cost-effective when made in terms of caste and religion, in terms of their symbols and identities.

Put more generally, in any attempt at bringing to coherent understanding the changing social and political complexities of a region as vast as South Asia, we need a bifocal vision – one that commands both a generalised insight into the logics of South Asian society, such as we may gain in sociology, as also a familiarity with the several historical junctures in which the logics worked themselves out, and were reshaped, in the process cutting the course that South Asian societies have taken through time.

So long as the questions we ask can be answered within the historical confines of India, the library resources available to us at present may well suffice. One notes, though, that historians routinely look through numerous archives in their search for sources. In principle the sociologist too can learn to work in archives and follow in the historian's footsteps; in a moment I shall turn to what this will entail.

In case your questions take you outside India – say into the history of Europe or China – you will be quickly stopped in your tracks since you will discover more or less a void in our libraries. In my own work I have been grateful for what I could find on China at the Indian Institute of Advanced Study, Shimla; but beyond that I have

had to rely on the generosity of institutions in Paris, England, and Scandinavia. These countries have made the effort to build their libraries. Last year I arrived in Copenhagen, as a guest of the Nordic Institute of Asian Studies, with a list of fifteen titles in Chinese history which I had not been able to locate elsewhere. My host institution's librarian sat me down at the on-line catalogue of the Danish Royal Library. The library had thirteen of the fifteen titles in stock, and a fourteenth was on order. The thirteen books in stock were delivered to my desk two days later. Building resources of this order takes work – and it takes long term investments.

My last point: interdisciplinary scholarship is good not because it is a special mark of virtue but because it is necessary for understanding the complexities of life as it is lived. Such scholarship needs certain habits of mind, and these include the determination to follow a trail of observation, thought, or argument wherever it might lead, regardless of disciplinary boundaries. The best time to acquire such habits of thought is early in life, and surely no later than in early postgraduate years.

Opportunities for absorbing these habits have to be built into the academic frameworks wherein our students spend their early postgraduate years. These opportunities can take the form both of exposure to courses and seminars in fields other than our own, and of co-supervision of students working on theses by more than one faculty member, being drawn from the several disciplines pertinent to the theme of research. This will need, of course, changes in habits of mind not only among students but also among teachers and administrators. That, you might say, is easier said than done; but is it impossible?

Teaching anthropology

VINAY KUMAR SRIVASTAVA

The only thing which can truly distinguish anthropology from the rest of social science is that it addresses human nature plus culture plus society.

Keith Hart[1]

Whatever definition of anthropology one chooses, it should stress that this is a discipline for understanding humankind in its many facets – holistically.

James L. Peacock[2]

THIS paper attempts first, to introduce the departments of anthropology in Indian universities; second, to examine the changing relationship between different branches of anthropology; and finally, to offer some observations on the state of social anthropology in India.

There are presently 33 university departments of anthropology of highly differing quality, the most recent addition being at Bundelkhand University, Jhansi (Uttar Pradesh). The Status Report on Anthropology,

published by the University Grants Commission (UGC) in 1982, counted 26 departments in 22 universities, two universities having two and three departments respectively.[3] Sixteen of them were exclusively of anthropology. Six were composite departments, two each of sociology and anthropology, and sociology and social anthropology, and one each of human genetics and physical anthropology, and physical anthropology and prehistoric archaeology. Two universities had departments of social anthropology, one of anthropological linguistics, and the other of human biology.

The UGC report classified the anthropology departments in three categories, viz. integrated, fragmented, and composite. The inte-

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1. Comment in Tim Ingold (ed.), *Key Debates in Anthropology*. Routledge, London and New York, 1996, p. 42.

2. *The Anthropological Lens: Harsh Light, Soft Focus*. Cambridge University Press, Cambridge, 1986.

3. I have chosen to begin with the UGC report because it is the latest report available on the state of anthropology departments in India. K. Suresh Singh told me (in April 2000) that another committee (of which he was a member) was formed after 1982 to look into the teaching of anthropology and it had submitted its report. To my knowledge, this report has so far not been published. The members who finalized the 1982 report were Professors L.P. Vidyarthi, B.K. Roy Burman, S.R.K. Chopra, and L. K. Mahapatra.

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grated departments were those where all the main branches of anthropology were taught and researched. Those departments which imparted training in one branch, or maybe two, like the department of human biology at Panjabi University (Patiala), were designated as fragmented. Composite departments had anthropology coupled with sociology.

However, the UGC report did not clearly spell out the major subdivisions of anthropology, the inclusion of which would yield an 'integrated' anthropology. A closer reading of this document suggests that besides the three well-known branches (viz. physical, archaeological, and social/cultural), it also considered linguistic anthropology as an important component of anthropology. With dismay, it noted that linguistic anthropology was taught in 'only one or two universities' (p. 12), one being the department of anthropological linguistics at Patiala. As a large number of universities did not teach linguistic anthropology, one could easily infer that none of the anthropology departments were in fact truly integrated.

Many changes have taken place in the organisation of anthropology departments in the last 18 years since the publication of the UGC report. First, exclusive anthropology departments have doubled in number, from 16 to 33. Second, some universities have established departments of tribal development (for example, in Arunachal University, Itanagar). These departments do not carry the tag of anthropology, but as they deal with the principal subject matter of

At one time, Sri Venkateswara University (Tirupati, Andhra Pradesh) had two anthropology departments, one of social anthropology, and the other of physical anthropology and archaeology, they have now merged into one department of anthropology.

anthropology, i.e. tribes, they employ anthropologists and are counted among the departments of anthropology. Third, the composite departments of sociology and anthropology, or sociology and social anthropology, are on the wane.[4] Fourth, the hitherto 'fragmented' anthropology departments have come together, thereby resulting in 'integrated' departments. Fifth, linguistic anthropology has not developed much. Therefore, the departments of anthropology, which the UGC report regarded as 'integrated', have been built around the three main branches (physical, archaeological, and social/cultural).

The UGC report also offers a brief account of museums in anthropology departments. Museums have played an essential role in the development of anthropology. In many foreign universities, museums provide a part of the fieldwork grant to prospective researchers so that they may collect specimens of material culture as museum exhibits. Undergraduate students are also encouraged to write their dissertation on museum collections. By comparison, most anthropology departments in India, particularly of recent origin, do not have separate museums. Little surprise that the study of material culture, which used to be essential in anthropological training, has almost been relegated to the back seat. Even in departments with rich and elaborate

4 I once asked a professor in a composite department (of sociology and social anthropology) about the courses offered in social anthropology. He said that although there was no exclusive paper on social anthropology, each course had some anthropological content. For instance, the theory paper taught Bronislaw Malinowski and A R Radcliffe-Brown, research methodology – the genealogical method, sociology of religion – animism and totemism; and the paper on Indian society had a section on tribes. The inclusion of information about institutional

museums, the role of the museum in teaching anthropology has greatly diminished.

Because the so-called 'integrated' anthropology bridges biological and social sciences, it occupies a dual, sometimes uncertain, status of science as well as arts. Some universities list anthropology as a science subject, to be administered by the faculty of science; for others, it is a social science, or even a discipline of the arts and humanities, notwithstanding its biological content. The subjects with which anthropology may be grouped – the 'ecology of anthropology' – may widely differ. In Delhi, anthropology's kin are natural, biological and geological sciences; in Jhansi, anthropology is classed with social work, public administration, forensic science, applied psychology and women's studies – all located under the rubric of the Dr. B.R. Ambedkar School of Social Science.

The term anthropology in India is used for a generic discipline which deals with a specialised study of both biological and social-cultural facts; the latter include archaeological facts, the society and culture of contemporary peoples, and linguistic facts.[5] Thus, there are two sub-disciplines of anthropology, one concerned with

practices of 'primitive' societies justified the title of social anthropology in a composite department We may note that some sociology departments (for instance, at Jaipur or Jodhpur) teach a paper on social anthropology, but have never argued in favour of a composite name for their department. Shah (p 96) writes that sociology and social anthropology are 'loosely integrated under the rubric of sociology in India.' See A.M. Shah, 'In Memory of M N. Srinivas', *Contributions to Indian Sociology (n s.)* 34(1), 2000, 93-104.

5. I am reminded of Haddon (p. 11) who wrote that one branch of anthropology deals with the 'natural man' (or *homo*) and the other with the 'social man' (or *socius*). See A C. Haddon, *The Practical Value of Ethnology* (Conway Memorial Lecture) Watts and Co, London, 1921.

biological facts, the other with the cultural, and each is further divided into 'special anthropologies'.[6] This grotesquely encyclopaedic notion of anthropology is also followed in the universities of the United Kingdom and the United States of America.

By comparison, on the Continent ethnology has continued as the central discipline dealing with the history of culture, and anthropology is synonymous with physical anthropology. In the English-speaking world, ethnology merges with archaeology in the larger field of cultural anthropology or cultural history, and social anthropology has emerged as a central discipline, particularly in the United Kingdom.[7] On the Continent, thus, there are three disciplines, viz. anthropology, ethnology and archaeology, dealing with human biological and cultural facts. To my knowledge, attempts to integrate them have not been as strong as they have been in the United States or India.[8]

A department may include all the three (or four) sub-disciplines of anthropology in its teaching and research curriculum. However, this does not necessarily imply that they are equally developed, that resources and teaching positions are equitably distributed, nor that each branch attracts the same number of students. The department at Poona University, for example, has five teaching faculty – three physical anthropologists and two social anthropologists. For teaching archaeology, the department associates teachers from the other departments. Delhi University's anthropology department has 13 physical anthropologists, seven social anthropologists, and two pre historians (and no one in linguistic anthropology). In the last 41 years, the University of Delhi has awarded 164 Ph.Ds for research work in anthropology; the first was conferred in 1959.[9] Of these, 137 have been for research in physical anthropology, 26 for social anthropology and one for prehistory.

Examples drawn from the other departments will substantiate the fact that although a department may offer courses relating to the main offshoots of anthropology, one of them may be far more developed as compared to the others. Thus, 'integrated' anthropology may in reality be 'fragmented'. Any branch of anthropology can develop independently of the assistance rendered to it by the other branches. For example, the Delhi department has produced outstanding research in the fields of bio-chemical genetics and cytogenetics. These students are now working in the specialised departments of immunogenetics, genetics and haematology. Perhaps the only social anthropology in these projects involved was that the blood samples (which were cultured for genetical

works) were taken from a community of people, for whom physical anthropologists would prefer the term Mendelian group.

Why did the three disciplines of anthropology come together in the first place? Well, what brought them together was the idea of evolution; human bodies have evolved, so have societies, cultures and the languages of people. We may recapitulate here the following sentences from R.R. Marett: 'Anthropology is the whole history of man as fired and pervaded by the idea of evolution. Man in evolution – that is the subject in its full reach' (p. 7). Further, Marett wrote (p. 8): 'Anthropology is the child of Darwin. Darwinism makes it possible. Reject the Darwinian point of view and you must reject anthropology also.'[10] Classical evolutionism was discredited for its conjectural reconstruction, but the evolutionary perspective continued to keep physical and social/cultural anthropology together.

In the words of a physical anthropologist, G.W. Lasker: 'Cultural elements, notably tool-using and speech, probably affected the direction of evolution of the genus Homo: certainly clothes, houses, the use of fire, food production, the control of diseases and many other cultural elements affect the selection pressures responsible for ongoing human evolution, human growth, body composition, and virtually every other process of concern to physical anthropology.'[11] Fredrich Hulse approvingly quoted one of his colleagues who had said: 'Physical

6. Indian anthropologists have so far not attempted a good textbook (or dictionary) of anthropology as a whole, something comparable to the one by R Beals and H Hoijer, *An Introduction to Anthropology*. Macmillan, New York, 1959; or a recent one by R. Scupin and C.R. DeCorse, *Anthropology A Global Perspective*. Prentice Hall, New Jersey, 1992. The most popular text in social anthropology in India, which carries examples from Indian tribal and peasant societies, is by D.N. Majumdar and T.N. Madan, *An Introduction to Social Anthropology*. Asia Publishing House, Bombay, 1956.

7. Lienhardt (p 5) writes that ethnology has tended to be identified with the study of material culture. In Britain, ethnologists were more preoccupied with things than people. See G. Lienhardt, *Social Anthropology*. Oxford University Press, 1964.

8 See V.K. Srivastava, 'The Future of Anthropology'. *Economic and Political Weekly* 34(9), 1999, 545-52.

9. The Delhi anthropology department was founded in 1947 by Professor P.C Biswas, who, though a physical anthropologist by training from Germany, described himself as a 'general anthropologist'.

10 R.R Marett, *Anthropology*. William and Norgate, London, 1912

11 G.W. Lasker, 'Introduction', in D G. Mandelbaum, G.W. Lasker and E M. Albert (eds.), *The Teaching of Anthropology*. Memoir 94, American Anthropological Association, 1963

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anthropology's one claim to a place in the sun is its ability to interpret biological variability in its cultural setting.'[12] Later adaptational studies showed that the process of adaptation was both biological and cultural; thus, for instance, physical anthropological works on high altitude populations carried substantial information on cultural adaptation as well.

Physical anthropology was not only evolutionary in nature, it was equally concerned with classifying people and identifying their morphogenetic features. In India, until the late 1960s and early 1970s, physical anthropology was concerned with anthropometric, dematoglyphic and serological studies, the latter primarily dealt with the ABO system.[13] Those physical anthropologists who went abroad to ' work with the well-known biologists of the time explored the study of other systems of serology and bio–chemical genetics. Those who received an opportunity to study at departments of physiology worked on respiratory physiology. However, Indian anthropology departments had neither the technical gadgets nor the expertise.

When these foreign-trained anthropologists returned to India, they collaborated either with the sophisticated departments of biology or medical colleges. Or in frustration, they went back to their old techniques of population genetics, conducting measurements on living humans and skeletons, collecting prints (of palms, fingers, and soles) and analysing their patterns, or drawing blood for typing

and reporting their frequency. Barring serological work, other studies required a simple tool-kit such as an anthropometric rod, a pair of callipers, printing ink, pad and paper. Data collection was a simple process and so was its statistical treatment. Data were usually collected from hospitals and schools, where the doctors and teachers as the case may be, played an important role in 'ordering' or 'persuading' the individuals (the 'subjects') to abide by the instructions of the researchers. In my opinion, physical anthropologists collected data; they did not conduct fieldwork.[14]

Against this background, it may be guessed that many established social anthropologists, whether influenced by the Boasian encyclopaedic approach or by the non-complexity of physical anthropological work, wrote articles (sometimes jointly) on blood groups, dermatoglyphics, or anthropometric measurements.[15] Doctoral theses in social anthropology of the 1950s often carried information on the physical anthropology of the people. Crossing over from one discipline to the other was possible. In the Delhi department, most physical anthropologists lectured on material culture, anthropological techniques, and the migratory history of populations. Anthropology even then was a set of specialisations, but the distance between different disciplines was not great.[16]

During the mid-1970s, some anthropology departments collaborated with foreign geneticists and physical anthropologists. With generous funding from abroad, highly sophisticated laboratories were set up in these departments. For instance, take the case of the Delhi department that was immensely benefited by collaborating with an internationally known human geneticist, F. Vogel, who spent several weeks in Delhi in the 1970s teaching interested faculty members and students the techniques of cytogenetics. However, not all anthropology departments were that lucky. They persisted with old techniques of frequency reporting, thus widening the gap between the departments that acquired newer interests and technology and those that could not. To keep pace with the new frontiers in physical anthropology, many enthusiastic and forward-looking researchers actively collaborated (and still do) with biomedical institutions that did not have any shortfall of equipment and technical expertise. This has marked the beginning of the 'medicalization of physical anthropology.' As a result, the gulf between physical and social/cultural anthropology further increased. In fact, western physical anthropology has progressed in this direction.[17]

The outcome of these developments was that anthropology became a 'group of subjects and sub-subjects,' each having its own set of techniques,

12 F.S. Hulse, 'Objectives and Methods', in Mandelbaum et al., 1963, ibid. p. 69.

13 See N.K. Bose, *Fifty Years of Science in India: Progress of Anthropology and Archaeology* Indian Science Congress Association, Calcutta, 1963; Indera P. Singh, 'Twenty-five Years of Physical Anthropology in India – an appraisal', *The Eastern Anthropologist* 27(3), 1974, 183-94.

14. Fieldwork is an activity undertaken by a social or cultural anthropologist who stays with the people, his own or others whom he intends to study in their natural habitat for a lengthy period of time, not less than one year, with an aim to understand the meaning of institutions and practices from a 'within' (or insider's) perspective.

15. See Bose (1963), ibid.

16 This would explain why a social anthropologist like J.D Mehra contributed to dermatoglyphics, and a physical anthropologist, Abhimanyu Sharma, to kin terms. See J.D.

Mehra, 'Notes on Palmar Mainlines of the Shokas of Almora District', *The Anthropologist* 6(1 & 2), 1959, 22-5. A. Sharma, 'Notes on Kachin Kinship and Linguistic Categories', *The Anthropologist* 2(2), 1955, 55-63. A famous sociologist, Irawati Karve, also conducted anthropometric measurements, see I Karve and V M. Dandekar, *Anthropometric Measurements of Maharashtra* Deccan College, Poona, 1951

17. Indian physical anthropologists collaborate with foreign biologists and medical scientists in various projects, but their job is

analytical categories and conclusions, and each interacting with another full-fledged discipline. It was virtually impossible for anyone to shift from one main discipline to another – say from physical anthropology to social anthropology, or vice versa.

In addition, physical anthropology comprises a number of super specialisations and horizontal mobility within them is quite difficult. A shift from a study of human growth and development to molecular anthropology, or from serology to dermatoglyphics, would mean seeking apprenticeship in an entirely new complex of techniques, reading absolutely new literature and interacting with a new department (for example, genetics, forensic science, haematology) altogether. That is the reason why Indian physical anthropologists have fewer specialisations. Incidentally such super specialisations do not exist in social anthropology.

Like anthropology in general, physical anthropology too is a group of subjects, which perhaps may not be said of social anthropology. True, social anthropology has specialisations, but not the super specialisations of the type of physical anthropology. This nature of anthropology is clearly reflected in articles published in its journals, or in the chapters of books. Seminars organised by anthropology departments are

mainly confined to the collection of data, which is analyzed by the foreign collaborators. In the publications that follow, the Indians remain junior authors. For instance, recently in the news were the conclusions of research on caste and genetic structure (*The Week*, 6 December 1998; *India Today*, 14 December 1998) Nine scientists originally published the finding of this research in *Nature* (395; 15 October 1998). The names of the three Indian anthropologists from Andhra Pradesh, who collaborated in the research, based on 250 individuals from 12 Telegu-speaking castes, figured from number five to seven.

equally general and all encompassing. Some anthropologists proudly justify this state of affairs by considering anthropology as a subject without frontiers, without boundaries.

In the beginning, physical anthropology was able to keep pace with international standards. But scientific and technological innovations take place at a faster speed and are quite expensive to keep up with. Only well funded institutions, which anthropology departments were never, could have hoped to acquire them. Further, newer research findings required a qualitative change in anthropology syllabi and practicals, which could only have been possible in a separate department of physical anthropology, or where the specialised training began in the first year of post-graduation. In addition, there was a need of teachers and research scholars actively engaged in developing newer fields, who would not only disseminate knowledge but also supervise doctoral dissertations to be evaluated by internationally known experts in the field.

Being a non-laboratory and field-oriented discipline, social anthropology did not face these crises. All it needed to do, which it did with reasonable success, was to take a critical look at newer approaches and data. Teachers of social anthropology are expected to share fieldwork experience and the analysis of observed cultural practices with their students. As a result the teaching of social anthropology is far less stereotypical and textbook oriented – a problem encountered in other fields, including physical anthropology. Raymond Firth reminds us that all teaching is a mode of personal communication and his statement applies well to social anthropology.[18] The problem with Indian social anthropologists,

however, is that not many have more than one bout of sustained fieldwork to their credit; thus references to their fieldwork become repetitive and boring.

The promising development of physical anthropology in the 1970s was not sustained in India. The international scene was different where super-specialisations continued to blossom.[19] By the late 1980s and early 1990s, physical anthropology in India became less laboratory oriented, for the laboratories were ill-equipped. The old interests (in dermatoglyphics, serology and anthropometry) did not fade away as was earlier imagined. With the growth of sport science and ergonomics, anthropometry acquired a new engagement, conducting measurements on sports personnel and on others for designing machines.

The fields which came to the forefront in this period were anthropological demography, medical anthropology and ecological anthropology. Besides being considered of tremendous applied value, they were also regarded as bio-behavioural (or bio-cultural) disciplines, thereby providing the meeting point of physical and social/cultural anthropology. Today, many physical anthropologists are trying their luck in these fields, which, despite their biological content, have essentially been developed by social anthropologists. These newly acquired interests of physical anthropology have drawn it closer to social/cultural anthropology. This has happened because of a relative decline in laboratory conducted work.

18. Raymond Firth, 'Aims, Methods, and Concepts in the Teaching of Anthropology', in Mandelbaum et al. (1963), ibid., pp. 127-40.

19. The reader may have a look at the issues of the *American Journal of Physical Anthropology*.

In departments of anthropology in Indian universities, social anthropology is far more developed in comparison to prehistoric archaeology or linguistic anthropology. The idea that anthropology studies 'other cultures', particularly of the preliterate communities, now known as 'tribes', is more appropriate to social than physical anthropology.[20] From the beginning, physical anthropologists have conducted studies (and continue to do so) in their own communities, or in other towns and urban communities. As noted previously, their 'subjects' are chiefly drawn from schools and hospitals.

It is for demographic projects, which in any case are a new addition to physical anthropology, that they focus on the family. Physical anthropologists never discussed the methodological problems in studying one's own society, as has been the case with social anthropologists.

Social anthropology in India draws heavily upon Indian examples and case studies. Barring a few topics – such as acephalous political systems, ceremonial exchange, witchcraft, conspicuous consumption – for which it is imperative to discuss the classic cases of the Nuer of the Sudan, the Trobriand Islanders, the Azande, or the Kwakiutl Indians of British Columbia, the emphasis of Indian social anthropologists remains largely on Indian tribes and peasants. But the irony is that barring the detailed tribal monographs prepared by the British colonial officers and others (such as S.C. Roy, D.N. Majumdar) before Independence, we do not have any

recent good ethnographies of a comparable type.

Doctoral candidates working on the Angami Nagas still rely on J.H. Hutton's 1921 monograph on this tribe, notwithstanding the weaknesses of Hutton's fieldwork and the fact that he was required to write up his information based on the thumbnail sketch provided by the Assam administration. Similarly, even today the best work on the Baigas (of Madhya Pradesh) remains Verrier Elwin's, or on the Gonds by Christoph von Furer-Haimendorf. India has 461 scheduled tribes (according to the Peoples of India Project of the Anthropological Survey of India), of which detailed ethnographies are available on not more than around 30; many of them are awaiting their study.

The Indian anthropology journals which cater to all branches of anthropology, do sometimes publish short and preliminary accounts of some tribes, but these articles serve little purpose. They cannot be used for either teaching or research. In the absence of worthwhile consulting material, Indian students have to rely upon earlier ethnographies despite the fact that the societies, which attracted the attention of the colonial officers and anthropologists, have fast changed. Moreover, colonial ethnographies have their own constructions of Orientalism that needs to be systematically deconstructed.

Indian social anthropologists usually carry out their fieldwork in India. Normally, they return to their own region, state, district, or even village, for intensive study; they thus are saved from learning an alien language and passing through the 'trials and tribulations' of fieldwork in a different culture.[21] The quality of such field-

work is often poor. The ethnographer tries to fill the gaps in data by taking recourse to secondary information or becoming excessively theoretical in his analysis, with the result that the people are pushed to the margins.

This is not to say that there have been no first grade studies of one's own community or region – we may remember here T.N. Madan's work on the Kashmiri Pandits; nor that Indian scholars have not worked on societies outside India. Well-known works in the latter category are by Surajit Sinha, Satish Saberwal, J.P.S. Uberoi, T.N. Pandey and R.K. Jain. It may be noted, however, that work on non-Indian societies has mainly been attempted by those who studied in a foreign university (in Europe or America) where it was easier to get generous funding for fieldwork (which is extremely difficult in Indian universities and research organisations) and training in the language spoken by the people with whom one intended to carry out the ethnographic work.

But it is also true that Indian students studying abroad for a degree in social science almost invariably work on a topic related to India (and not even to Nepal, Bangladesh, Sri Lanka, Pakistan, or Bhutan). Their pre-Ph.D projects are also conducted on Indian students or Indians settled abroad. India is an ensemble of enormously diverse cultures and here one may have the experience of working in 'other cultures', the kind of experience anthropologists look forward to. However, the academic parochialism of Indian students is such that they take up the study of their native regions and communities. Rarely do we come across north Indian students conducting their fieldwork in south

20. Pandya writes (p. 380-1): '. anthropology aim(s) at explicating the meaning and actions of a people rooted in one time and place to people in a different time and place ' See Vishvajit Pandya, 'From Photography to Ethnogrnphy: Andamanese documents and documentation'. *Visual Anthropology* 4 1991, 379-413.

21. On this point, see Andre Beteille, 'Epilogue: village studies in retrospect', in *Caste,*

Class and Power. Changing Patterns of Stratification in a Tanjore Village. Oxford University Press, Delhi, Second Edition, 1996, p. 234.

India. Almost all the students from Bihar, Orissa, Nagaland, and Manipur in my department have ensconced themselves either in their natal communities or regions for fieldwork.[22] Many of them will be produce what has come to be known as 'autoethnography'.

Anthropology departments in India, thus, have a different complexion in comparison to those in the West. The former specialise in Indian studies whereas the latter endeavour to cover the entire world, all the ethnographic zones one may think of. Consequently, they are far more comparative than are our departments. A popular trend with western anthropologists is to conduct fieldwork in two or more, sometimes widely distinct, areas. Louis Dumont carried out intensive fieldwork with communities in Tamilnadu and eastern Uttar Pradesh, two culturally distinct zones, although he did not find the latter particularly interesting.[23] My doctoral supervisor, Caroline Humphrey, worked in Nepal, India, Russia, and Mongolia. Her student, James Laidlaw, has now shifted his focus to study urban Taiwan after having worked for many years with the Svetambara Jains in Jaipur.

As noted earlier, Indian anthropologists rarely explore two or more ethnographic landscapes. In many cases, their first fieldwork, usually for their doctoral dissertation, is not of high quality. It barely yields a doctoral thesis. Because of a paucity of more data the researcher does not attempt additional monographs on the people he studied; rather he switches to writing about theoretical and conceptual issues that do not require primary data. With poor fieldwork and inadequate data, the anthropologist hides behind theories and information collected by others. Despite this, Indian anthropology can hardly boast of an 'acknowledged' theoretical work, a contribution to major theoretical approaches, such as functionalism, structuralism, hermeneutics, interpretivism, feminism, and so on.[24]

It is the marketability of social anthropological research that preoccupies our researchers. They are attracted by development, ecology, social gerontology, medical anthropology and demography – fields in which they expect to find jobs, particularly with NGOs. Currently, the traditional areas of research (viz. kinship, religion, myths and beliefs, cosmology) hardly attract any students. Unfortunately, research in economy and polity has also declined in anthropology. The themes which have gained popularity in social anthropology are those in which the physical anthropologists are also interested. So are the sociologists.

There have been a few research projects in medical anthropology or demography, where both physical and social/cultural anthropologists collaborated. Nevertheless the main interaction of social anthropologists has been with sociologists, and not with physical anthropologists. The fear that this would lead to the merging of social anthropology with sociology is unfounded. Both social anthropology and sociology have retained their respective identities. As noted earlier, their combined departments are in decline. This indicates that each discipline asserts its identity and does not want it to be abrogated, regardless of the common interests and perspectives it may share with the other discipline.

To sum up, the concept of evolution brought together the independently developing studies of human biological and social-cultural facts. Later, the idea of holism (i.e., anthropology as a total understanding of humankind) sustained the coexistence of physical and social/cultural anthropology in the same discipline.[25] It appears to me that the idea of holism has been one of the main factors explaining the merging of the 'fragmented' departments into 'integrated' ones. The UGC report presumes, and so do many anthropologists, that the best anthropology is one that is integrated. Whether there is a theory (or a paradigm) that can explain both the biological and social-cultural facts, is certainly not an issue in the writings of those who argue the case for integrated anthropology. For them, integration means a horizontal coexistence of different anthropologies, which in fact may not have many interactions between them.

Perhaps, a viable model for organising the teaching of anthropology is to create separate departments of its main branches, controlled by a faculty, which may be called the faculty of anthropology. I have in mind the successful Cambridge experiment. Cambridge University has independent departments of social anthropology, archaeology, and biological (i.e. physical) anthropology, all placed under the Faculty of Archaeology and Anthropology. At one time Cam-

22. Nearly every student who came from West Bengal to study modern Indian history at Cambridge (in the early nineties) worked on a topic related to his state – jute mill towns, communist party, freedom movement.

23 See T.N Madan, 'Louis Dumont 1911-1998: a memoir,' *Contributions to Indian Sociology (n.s.)* 33(3), 1999, 473-501.

24 Gopala Sarana is perhaps one of the few Indian anthropologists who has written on topics such as social structure and social organization, functionalism, structuralism, definition of marriage, comparative method See his *Sociology and Anthropology and Other Essays* Institute of Social Research and Applied Anthropology, Calcutta, 1983.

25 See note 2 in this article.

bridge had one department of anthropology representing all the specialisations, but once faculty members realised the need for specialised knowledge in each branch, they decided to separate. However, first year students are required to do a preliminary paper in one of the branches of anthropology. Often, the Cambridge faculty organises a series of lectures on a common topic (such as, human nature) to be delivered by anthropologists from different specialisations. It is in these arrangements of teaching, combined lecture programmes, faculty meetings and appointments that the placenta of anthropology remains intact. In this arrangement, anthropology can effectively deal with the differentiation of knowledge while keeping the cognate disciplines together, for they share certain concerns in common, evolution being one of them.

Social anthropologists have time and again argued that analytical ethnography and not the dry philosophical discussions with jargonised gobbledegook, which has become fashionable with post-modernism gives identity to their subject.[26] The subject can be salvaged not by developing areas reputed to have a market value, but by producing good ethnographies – the thick descriptions – of the phenomena under study. Our methodology and its outcome has impressed, and also enriched, other disciplines. Let's further it by being devoted fieldworkers and conscientious writers of the life of the 'other' or 'our' people, as observed and not as imagined.

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26 On this point, see Sidney W Mintz, 'Sows' Ears and Silver Linings. a backward look at ethnography,' *Current Anthropology* 41(2). 2000. 169-89. Béteille writes (p. xv) 'Sociologists are notorious for being unwilling or unable to put things in a nutshell, when they do so. the language they use tends to be so arcane and recondite that few are able to understand their meaning.' See André Béteille, *Chronicles of Our Time* Penguin Books, 2000.

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A perspective on the ASI

K SURESH SINGH

ONE question always asked about the establishment of the Anthropological Survey of India (ASI) is why the colonial authorities were in such a tearing hurry to set it up before they departed. The ASI was the last of the survey organisations to be established, starting with the Survey of India, Geological Survey of India, Botanical Survey of India and Zoological Survey of India – all formed by the colonial regime to map the resources of the country for the benefit of British capital and for good governance, as W.W. Hunter put it.

The Anthropological Survey of India was set up in December 1945, barely 20 months before the transfer of power. The reason for this has to be sought in the intensive lobbying by administrator-anthropologists – including J.P. Mills, J.H. Hutton, W.V. Grigson, W.G. Archer with anthropologists like Verrier Elwin and C. von Furer-Haimendorf – over 15 years to create a special dispensation for the tribes under the Government of India Act of 1935 and through various suggestions and proposals including those for the creation of a

Crown Colony in the North East and a protectorate for the tribals.

Their special interest in the tribes derived from a romantic tradition that presented the tribes in pleasant contrast to castes, the 'unravished' hills and plateau where they lived which reminded the colonial rulers of their homeland, and from their appreciation of the strategic location of the tribes and the enormous resources that their lands contained. However, these proposals were shot down by the home office which felt that the British regime would be much too impoverished after the Second World War to commit its meagre resources to such ventures.

Nevertheless the proposal to establish an Anthropological Survey of India to study the tribal people was pursued despite financial constraints, probably because of the single minded pursuit of the idea by B.S. Guha who headed the anthropological unit located in the Zoological Survey of India from 1927. Guha moved at two levels. First, he persuaded the Zoological Survey to submit a formal memorandum on the creation of an Anthropological Survey of India and pursued the matter officially with the support of his bosses and J.H. Hutton with whom he had worked. Hutton was Census Commissioner for the 1931 census and Guha had prepared the third volume on ethnographic notes which appeared with the All India Reports. Though Hutton had retired and become professor of anthropology at Cambridge, Guha kept him dutifully informed of developments.

There was in fact an interesting interaction of ideas (Singh 1994) on the formation of Anthropological Survey of India. Academics like S.C. Roy and others emphasised the need to recognize anthropology as a science.

These academics and administrator academics like R.B. Seymour Sewell, formerly Director, Zoological Survey of India argued for the establishment of an Anthropological Survey of India as an independent organisation as part of a scheme for post-war reconstruction.

Sewell, in his letter of 19 March 1945, argued forcefully that an independent India would require the creation of a scientific survey to gain complete knowledge of all the races inhabiting the country. These included some of the most cultured as well as others of the most primitive form of civilization who needed to be protected. The preservation of the social and cultural characteristics of various races and specially of the aboriginal tribes was of great importance, he added.

At the second level, Guha approached Verrier Elwin who had broken with the Congress and become influential in British official circles (Guha 1999). They had met in Bastar and admired each other. Elwin wrote to the Governor of the Central Provinces, Sir Francis Wylie, formally suggesting in his letter the appointment of a scientific advisor on aboriginal problems. A portion of his letter dated 8th November 1944 (Singh 1994) bears reproduction:

'As usual the chief difficulty would be the man, for India is not rich in anthropologists. But there is at least one man, perhaps the only man who would fill such a post with the necessary distinction and authority. He is B.S. Guha who is indisputably the most eminent of our anthropologists and has the advantage of being both a biologist and a sociologist. He has been formerly 20 years in the Zoological Survey of India; in the 1932 census, when he was Hutton's assistant, he became familiar with tribesmen in every part

of India. Most useful of all, he has had experience of how the Americans handle their problem, for he was engaged by the Smithsonian Institution in the Indian reservations of Colorado and New Mexico. He is a Hindu, but not too much of one, and his scientific integrity as well as his administrative ability is beyond question.'

Elwin pursued the matter in an editorial in *Man in India* (Elwin, 1945):

'In the judgement of Man in India the time has come for the Government of India to establish a separate Anthropological Survey of India as part of its scheme for post-war reconstruction. The most grandiose plans for scientific research are being considered. Every aspect of man's material environment is to be investigated: only Man himself is being ignored. Yet the lesson of history is emphatic; an exclusive emphasis on the physical sciences and neglect of social, psychological and moral side of human life ends only in destruction. In India, both for the credit of science and for the wellbeing of the population – especially of the tribal population – the establishment of the Anthropological Survey is an urgent necessity.'

However, this proposal seems to have been initially rejected because of the opposition of some officials who did not want an 'anthropological dictator' to interfere in tribal affairs which the missionaries, with the backing of an official lobby, had so far been left free to manage. Guha was considered too 'good' a Hindu to be trusted with the job. However, neither Guha nor Elwin gave up, and continued to build up pressure. Guha proposed Elwin as Deputy Director. One does not know whether Elwin's endeavour had any effect. The formal proposal **41** sent through the official channels, however, produced results

The Anthropological Survey of India was created in December 1945 and located temporarily in Benaras. It was a small organisation to begin with and had Guha and Elwin as the first Director and Deputy Director respectively. Guha also acted as the Anthropological Advisor to the Government of India, Elwin's equivalent of a Scientific Advisor on aboriginal problems. From this small but serious beginning, the ASI, which was later shifted to Calcutta, grew into the world's biggest anthropological organisation with the largest number of professional anthropologists and scholars of allied disciplines working under one roof.

Guha built on the concept of anthropology as an unified discipline combining physical anthropology and cultural anthropology with inputs provided by various allied disciplines such as psychology, ecology, folklore, and bio-chemistry. This structure has by and large endured. However, some of the colonial 'trappings' remained. A number of 'stations' were set up during the period 1951-76. Interdisciplinary 'expeditions' were sent out to 'discover' or 'find' people and study them – in the Andaman and Nicobar islands, NEFA, Nagaland, Central Himalaya, Kerala and so on. The research projects were generally sporadic, local and specific and related largely to the study of tribal people, the main concern of colonial anthropology. Other subjects included culture areas, culture traits, religious centres and institutions, nomads, fisherfolk, slum dwellers, minorities and so on. The allied sections undertook osteological studies of historic and pre-historic human remains, tribal languages, carrying capacity of land etc.

The decolonisation of the ASI was speeded up in the 1960s with projects of national dimensions being taken up. The Ethnographic Survey of India undertaken by the colonial regime in 1901 was basically 'provincial' in its area of operation even though it was generally guided by an all India format. While it covered most of British India, only a few princely states took up the survey. The Ethnographic Survey of India (1905-09) also suffered for lack of financial resources.

In striking contrast, the ASI launched the first All India Survey of Material Culture and All India Anthropometric Survey of all populations. This presented a major breakthrough not only in terms of conceptual framework but also in methodology. The quick, short-term methodology of field work introduced for the first survey resulted in generating an enormous amount of data on material culture including crafts, occupation, food habits and toilet practices. Unfortunately, much of this data remained unpublished until much later.

While a small number of area/regional studies were undertaken, the ASI remained occupied with micro level studies, mostly concentrated at one or two places. Therefore, a massive restructuring of the organisation was undertaken from the mid-1970s, aimed at decentralisation and devolution of power and functions, redesignating regional stations as offices and later as centres – autonomous so that they could take up both regional and all India projects with speed and efficiency.

Projects were located all over the country within the framework of regional and all-India studies. Coordination was sought to be established with university departments of anthropology and research centres in order to promote exchange of ideas and experiences. More national projects were designed in order to generate an all-India profile of people and society. In the first phase, surveys of tribal movements, tribal economies and tribal customary laws were taken up. In all these projects the methodology of short-term, quick survey focused on specific issues, was further developed and refined. A survey of linguistic traits was undertaken as well.

In 1976, the Anthropological Survey of India was entrusted with the task of designing the first museum of anthropology; it remained involved with this project for almost 12 years upto 1988. Both anthropology and anthropological museums, called the Museum of Man, were located in zoological departments which stressed the 'genetic' relationship between zoology and anthropology. The early concerns were primarily with the evolution of man. However, in the postcolonial period, the focus shifted to other and new concerns such as biological variation, evolution of culture and civilization and cultural pluralism, identity, ethnicity and interaction. Therefore, the first outline of the National Museum of Anthropology brought out by the ASI in 1977 sought to bring together the perspectives on these subjects generated by physical anthropology, archaeology and cultural anthropology.

This project was revised in 1982 to stress contextualisation, the linkages with environment, technology and culture. The museum was neither to be a tribal museum (though tribes would occupy an important place) nor an ethnographical one, but a museum that would combine both universal and national perspectives on biological variation and cultural diversities. The Anthropological Survey of India remained closely associated with the establishment of the Rastriya Manav Sangrahalaya, later redesignated the Indira Gandhi Rastriya Manav Sangrahalaya in recognition of her

pioneering contributions to its formation. From 1988 onwards, the museum has further evolved, setting in motion a museum movement and fleshing out various dimensions of the original and enlarged concepts.

This formed the background to the People of India Project (PoIP) launched in 1985 in terms of the parameters of a rapidly emerging postcolonial ethnography extending beyond the territorial limits of colonial ethnography. For the first time the PoIP undertook a survey of the human surface of the entire country. Keeping in mind the provisions of the Constitution of India and the human groups – scheduled castes, scheduled tribes and other backward classes, linguistic and religious minorities – that it identified for special treatment, the project also noted the provisions of equality and social justice that had to be translated in terms of equal treatment of all people in the survey and anthropological studies.

Although no policy resolution was adopted by the ASI in its early phases committing it to the study of tribals alone, in essence anthropology, particularly cultural anthropology, remained concerned largely with the study of tribals, just as sociology was concerned with caste. Therefore, to make matters explicit, the policy resolution was drastically revised in 1985 to commit the organisation to the survey of the people of India, both tribes and non-tribes. The PoIP also sought to survey the cultural, linguistic and biological dimensions. For the first time data was generated on languages and scripts used within the community and for inter-community communication for all groups, including those who are barred by the census for reasons of their smallness.

Unlike Risley's ethnographic survey, the People of India Project did not generate first-hand anthropometric data but drew on its earlier surveys and studies to cover biological dimensions. In short, it sought to present a composite bio-linguistic, cultural profile of all communities of India. The concerns for environment, resource use, gender relations, impact of change and development, market and technology were appropriately reflected in a 15 point format which was uniformly canvassed for all groups. The project also involved the updating and publication of the old data sets generated by all India projects in the 1960s. While the continuity of ethnographic tradition was stressed by using the previously gathered information as a benchmark, the focus of PoIP was on change.

The methodology of quick, short-term surveys undertaken by scholars familiar with the terrain was further developed. The objective of the project was to generate brief descriptive anthropological profiles of all communities, the impact of change and the development process on them, and the linkages that bring them together. These short descriptive profiles would add up to the first ever national ethnographic profile of the people of India, going far beyond the exercise attempted by the colonial censuses from 1881 to 1931. Computer technology was used to generate and store information. For the first time an ethnographic software was produced.

This massive exercise spread over 15 years resulted in 43 volumes running into 40,000 pages. In all 4694 communities were identified. Most of them were concentrated in eco-cultural zones within the states. In fact, the communities could best be seen in relationship to environment, language and regional/local culture. It was also noticed that the communities

shared many traits such as language, folklore, elements of material culture, customs, dress and ornaments, cuisine and so on. This project has therefore been described as an exploration of diversities and linkages or affinities among the people of India.

While the enormous range of information and knowledge generated by the project has been appreciated and absorbed in various ways, there has been criticism that it is a piece of 'bureaucratic giganticism'. The census is given as another example. In fact, the ASI, like other survey organisations, has been criticised for peddling sarkari stuff. All survey organisations, whether as subordinate or autonomous organisations, are structurally part of the government and of the concerned departments and ministries. They are closely tied up with the policies and programmes of the government as laid down from time to time in the policy documents and in plan documents. But there is also considerable autonomy in matters of research, planning and operations. It is not correct to assert that it is sarkari anthropology all the way.

Major projects were undertaken by the directors which reflected their concerns. They were left free to operationalise their projects. The PoIP, both in its conceptual framework and its methodology, represented a continuing tradition as also a major advance in terms of the magnitude of operations, perceptions and insights that it generated. The Director ASI also served as the Anthropological Advisor to the Government of India. The location of the People of India project in Delhi had many advantages, one of them being the close interaction made possible with various departments of the Government of India, with research institutions located in Delhi and with

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scholars and institutions from all over the country, because of easy communication from the capital.

This was reflected in the number of cultural projects formulated by the ASI and implemented by the Department of Culture, the organisation of the Rastriya Manav Sangrahalaya as mentioned earlier, and involvement of the survey in conflict resolution processes, whether in Bodoland or Jharkhand. The inputs provided by the survey related to the safeguarding of identity, language and culture, and the formation of autonomous bodies within the framework of existing state governments. In the case of Jharkhand, the autonomous body was supposed to be the first step towards the formation of the state. Unfortunately, the autonomy model collapsed and the movement for the formation of a state surged ahead. ·

A major initiative of the ASI related to the survival of the endangered Negrito groups in Andaman and Nicobar islands. The proposal to establish a bridgehead in the Jarawa territory was firmly resisted so that the Jarawas did not suffer the fate of the Onges and the Great Andamanese. Unfortunately, the Jarawas have now started to arrive in Port Blair town which is likely to have consequences that one shudders to imagine!

To sum up, anthropology as a discipline is developing rapidly all over the world branching out in new areas – there are as many as 120 sub-disciplines – opening up exciting possibilities all around. The impact of the developments in human genetics, particularly through the human genome projects for health, is one such area. Anthropology is also becoming popular as a subject with students and general readers. For a country with such diversities as India, anthropology will continue to remain popular.

The task of generating a composite profile of all population groups of India which covers biological, linguistic and cultural dimensions, and of updating the database presented in the People of India project will be one of the major challenges of the 21st century. Therefore, attention needs to be paid to two tasks. The first is to enlarge the area of research and upgrade its quality in close coordination with the departments of anthropology and related research organisations, training of scholars and their exposure to new developments in their discipline. The second involves the writing of anthropology in various *bhasas* of India. The 1881 census had a strong impact in generating ethnographic accounts, jati puranas etc. A considerable ethnographic literature emerged in Gujarati, Bengali and Tamil, some of which rated even better than the official ethnographic accounts. Currently, there are sporadic attempts at writing anthropology in local/regional languages. However, concerted and well-directed efforts are needed to generate firsthand material in anthropology in all Indian languages which will make anthropology a truly vibrant discipline. —

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Sociology in a regional context

A M SHAH

THE idea of sociology (including social anthropology) in a regional context has several meanings: (*i*) ethnographic or sociological knowledge of the region, cultivated not only by scholars belonging to the region but also by those from other regions in India and/or other countries in the world, which may be available in English as well as in the regional language; (*ii*) sociological literature only in the regional language; (*iii*) sociology cultivated only by scholars belonging to the region, in English as well as in the regional language; and (*iv*) development of sociological institutions in the region, including research and teaching carried out there, whether regional in orientation or not. This article deals with the development of

sociology in Gujarat primarily in the fourth sense.

The history of sociology in Gujarat may be divided into three phases. The first phase began roughly in the middle of the 19th century and ended in about 1920. During this phase, although there was no formal teaching and research under the name of sociology, considerable literature of a sociological nature was published both in Gujarati and in English. It saw the publication of the Gujarat volumes of *The Bombay Gazetteer*, based on a massive exercise by British officials to collect information about various aspects of society and culture.

Of these volumes, the one on Gujarat population, actually on castes, tribes, and so on, was translated into

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Gujarati. Similarly, A.K. Forbes, a British official turned scholar, wrote his monumental book, *Rasmala*, covering many aspects of history, myths, society and culture of Gujarat. He influenced a number of local scholars to write *nibandhs* (essays) in Gujarati on various aspects of life, such as caste, famines, ghosts, women's manners, etc. All this literature can be read with profit even today.

The second phase in the development of sociology in Gujarat began with the establishment of the Department of Sociology in Bombay University in 1920 and ended around 1950. The first professor and head of the department was Patrick Geddes but he soon left and was succeeded by the legendary G.S. Ghurye. His junior colleague was N.A. Thooti, a Parsi, who wrote, *The Vaishnavas of Gujarat.* Coterminous with the establishment of the Bombay department, Alan Widgery, professor of philosophy in Baroda College, planned to start research in sociology, and as part of this effort he brought out *The Indian Journal of Sociology* in 1920, perhaps the first sociological journal to be published in India. Unfortunately the journal did not survive beyond the first volume.

However, a certain consciousness of sociology seems to have developed in Gujarat; a few students from Gujarat went to study sociology at Bombay University – the best known being K.M. Kapadia, I.P. Desai and A.R. Desai. This phase also saw the publication of literature based on censuses conducted in the British as well as the Baroda state territories and the literature on castes and tribes. This genre of literature for Baroda state, published under the editorship of G.H. Desai, is superior to that for British territory. The Baroda state also published an excellent report on *The*

Hindu Joint Family: Its Economic and Social Aspects by N.C. Desai in 1936. The teaching of sociology began for the first time towards the end of this phase – in 1946 – at the undergraduate level at Shamaldas College, Bhavnagar with the appointment of I.P. Desai as lecturer. He stayed there till 1951, when K.R. Unni succeeded him. They taught the subject according to the syllabus framed under Ghurye's leadership, because all colleges in Gujarat were affiliated to Bombay University.

A new phase in the development of sociology began in Gujarat, as everywhere else in India, with Independence. The most important part of it was the establishment of new universities and of new departments of sociology. The first of these was the department in Maharaja Sayajirao University of Baroda established in 1951 and next, the department in Gujarat University, Ahmedabad established in 1954. Other departments followed gradually, namely, at the South Gujarat, North Gujarat, Saurashtra, Bhavnagar, and Sardar Patel universities. Six of these seven universities, plus the SNDT University for Women in Mumbai, have more than 100 affiliated colleges teaching sociology mainly at the undergraduate level. In addition, there is a small department of social anthropology in Gujarat Vidyapeeth, a deemed university.

The sociology department in Baroda University has been different for three main reasons. First, this university is unitary in its constitution and therefore the teaching for all the programmes – BA, MA and Ph.D – is done under the same roof; in other universities the teaching for BA is done in affiliated colleges and the teaching for MA and Ph.D is done in the university department, barring a few colleges recognised for MA teaching.

Consequently, in Baroda there is greater integration between the teaching done at the three levels, and the undergraduate students have the advantage of being taught by junior as well as senior teachers.

Second, all teaching is in English in Baroda, while there has been a gradual shift from English to Gujarati in other universities. Consequently, the Baroda department has been more cosmopolitan in recruitment of teachers as well as students and in its general orientation to teaching and research. Third, the Baroda department grew under the leadership of two stalwarts, first M.N. Srinivas and then I.P. Desai. I was a student there since its inception and then a teacher for a few years, and therefore have intimate knowledge about its development.

At the time of its establishment, Baroda University decided, just as Poona University had decided two or three years earlier and several other universities were to do later, that it would adopt the syllabi of Bombay University till such time as it was able to frame its own. Bombay University was the only university teaching sociology in all of western India since 1920 – first under the leadership of Geddes and then Ghurye. It is well known that Ghurye combined in himself three intellectual traditions of his time on account of his training in these traditions: first, sanskrit and Indology; second, sociology under Hobhouse at London School of Economics; and third, anthropology under W.H.R. Rivers at Cambridge. Srinivas studied sociology under Ghurye and then anthropology under Radcliffe-Brown and Evans-Pritchard at Oxford. Both Ghurye and Srinivas subsumed anthropology under sociology.

Since Srinivas joined Baroda University at the beginning of the academic session 1951-52, he had to

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teach according to the syllabus of Bombay University. The subsidiary subject of anthropology, which the department started teaching first, consisted of two papers – social anthropology and material culture, both to be taught over a period of two years. Srinivas began with social anthropology. The syllabus required it to be taught with reference to three textbooks: Ruth Benedict's *Patterns of Culture* (1949), Goldenweiser's *Anthropology* (1937), and R.H. Lowie's *Primitive Religion* (1924).

However, Srinivas rejected all these textbooks, which in effect meant rejecting the textbooks chosen by Ghurye. In their place Srinivas prescribed Evans-Pritchard's *Social Anthropology* (1952), Firth's *Human Types* (1950), and Radcliffe-Brown's unpublished manuscript, 'Method in Social Anthropology', a copy of which Radcliffe-Brown had given him in Oxford and which he edited and published in 1959. He also asked the students to review two small books: Evans-Pritchard's *Divine Kingship among the Shilluk* (1949) and Verrier Elwin's *Indian Aboriginals* (1949). His prescription of these textbooks was informal. No other teacher or head of department could have dared to so violate university statutes and ordinances, but Srinivas' ability to do so arose out of the close support he enjoyed from Vice Chancellor, Hansa Mehta and Pro Vice Chancellor, A.R. Wadia.

Srinivas refused to yield to pressures to start the MA programme in the first year itself, but began to enrol students for the Ph.D programme. They all came from allied disciplines: three lecturers from the faculty of social work, one research assistant in the department of archaeology and ancient Indian culture, and one student with M.Sc in anthropology from Delhi University, Y.V.S. Nath. Nath was also appointed as research assistant and a little later as lecturer.

This as well as other appointments showed that Srinivas did not follow the distinction between sociology and anthropology in making appointments. Along with the recruitment of research students, Srinivas began to organise research seminars, a novelty in Baroda at that time. He also began to implement his preference for field research in the first year itself, asking all his research students to do fieldwork. He himself went on a field trip to Rampura for two months in May-June 1952, in continuation of his earlier long spell of fieldwork there.

The academic year 1952-53 was marked by two major events: the appointment of I.P. Desai as reader, and the launching of a new syllabus for BA (Hons.) in sociology. Desai had by this time moved from Bhavnagar to Deccan College, Poona. He was a classmate and friend of Srinivas in Bombay, but his orientation was different. He had done his Ph.D on 'Crime and Society' on the basis of library materials. However, he had carried out a study of high school students in Poona on the basis of a questionnaire. While Srinivas and Desai differed in techniques of research, they agreed on a strong empirical foundation for social studies. The new BA (Hons.) syllabus represented a fusion of sociology and social anthropology under the rubric of sociology, perhaps the first such undergraduate syllabus in India. It also represented a fusion of the approaches of Srinivas and Desai

The department could not frame its own syllabus for MA for four years and the students had therefore to study according to the Bombay University syllabus. Not only that, the department offered to teach only four out of eight papers in sociology and the students had thus to choose four papers in some other subject. The four papers in sociology were general sociology, Indian sociology, social psychology, and social biology. Social biology included mainly the study of race, racism and eugenics. This was Ghurye's way of co-opting physical anthropology into sociology. For the paper on general sociology the students had to read the books prescribed in the Bombay syllabus, namely, *Society* by McIver and Page, and *Sociology* by Ginsberg. To these was added *Structure and Function in Primitive Society* by Radcliffe-Brown at Srinivas' suggestion. For Indian sociology the students were asked to read *Caste and Class in India* by Ghurye, *Marriage and Family in India* by Kapadia, and *Hindu Social Organisation* by Prabhu.

The MA examination was held at the end of two years. Both because of this and because of a shortage of teachers, the students of the first and the second year were taught together. The entire examination was covered in just a few days. Usually the questions required essay type answers. The candidates were asked to answer not more than three questions and the paper was evaluated as a whole, so that one could answer less than three questions and yet get full marks. This method of examination encouraged selective reading.

Like the BA syllabus the new MA syllabus reflected fusion of sociology and social anthropology. Once these syllabi were in place, the department was poised for growth. The number of students in the BA, MA and Ph D courses increased steadily and the department earned a reputation for attracting bright students. During the eight years that Srinivas worked in the department, there were 14 active Ph.D

students, eight under his supervision and six under I.P. Desai's. They worked on varied themes: castes and tribes, factories, different levels of education, journalism, sociology of development, social reforms, historical sociology, and so on. They published high quality papers in reputed journals. Most of the dissertations were published, and all well received. These students came from several different parts of India and fanned out later to occupy important academic positions all over the country.

Within a short period of time the department attracted national and international attention. A number of scholars from India and abroad visited the department and gave seminars and lectures. Its publications received worldwide acclaim. Around 1958 the University Grants Commission, impressed by its work, sanctioned generous grants for faculty positions, fellowships, scholarships, fieldwork, and a separate building.

Throughout the period of Srinivas' and Desai's headship of the department, a policy of subsuming anthropology under sociology was followed in every sphere of activity. Clearly, this was in continuation of Ghurye's policy which was visible all over western India where his students occupied leadership positions. The only exception was Poona. Anthropology was given a separate status at the Deccan College Postgraduate and Research Institute. Irawati Karve, a one-time student of Ghurye's, who headed the anthropology department, subsumed sociology under it, although sociology eventually became a separate department. Otherwise none of the many universities that were established in Gujarat and Maharashtra after Independence set up a separate department of anthropology.

Srinivas left Baroda to join Delhi University in early 1959. I.P. Desai's elevation as professor and head of the department was merely a formality. The department worked on an even keel for some time under his leadership. But the period of decline began around 1961 and there was a large scale exodus of teachers and students from the department. Finally I.P Desai too left in 1966. For nearly 25 years the department remained in poor shape. It is only recently that it has once again started looking up.

I regret I do not have intimate knowledge about sociology departments in the other six universities and the social anthropology department in Gujarat Vidyapeeth. A more knowledgeable person than myself should write about them so that full justice is done to their strengths and weaknesses at different phases of their history. I shall make only a few general observations. For some of them I shall depend on the results of a useful survey of all the university departments carried out by B.V. Shah in 1989-90.

There has been a phenomenal growth in the numbers of sociology students and teachers in the undergraduate colleges after Independence. There were about 13,000 students and 140 teachers in about 60 colleges at this level in 1988-89, according to B.V. Shah's survey. Since the number of colleges has now gone up to about 100, the number of teachers and students must have gone up proportionately. Sociology here is taught almost entirely in Gujarati. The college teachers, forming the largest segment of the community of sociology teachers, have contributed very little to creation of sociological knowledge even in Gujarati, leave alone in English. Their transmission of sociological knowledge too is not impressive. Their

teaching has suffered due to the vicious circle of non-challenging syllabi, heavy teaching loads, absence of original textbooks and dominance of guide books, lack of library resources, widespread resort to coaching classes, and the politics of boards of studies and examinations. The syllabi are not revised for years to accommodate fresh knowledge available even in Gujarati.

The condition of teaching at the MA level, which is usually done in the university departments, is somewhat better. At least the syllabi are impressive. But a large part of the syllabus does not get taught because most students are unable to read books prescribed in English. An increasing number of postgraduate teachers seem ill-equipped to transmit the vast storehouse of sociological knowledge available in English.

The medium of teaching at M.Phil and Ph.D has also gradually shifted from English to Gujarati. Of about 60 M.Phil dissertations done so far at Gujarat, South Gujarat, and Saurashtra universities, eight have been in English and the rest in Gujarati. Similarly, of about 64 Ph.D dissertations done at Gujarat, South Gujarat, Saurashtra, and Sardar Patel universities, 11 are in English and the rest in Gujarati. I do not have figures of M.Phil and Ph.D dissertations done at Gujarat Vidyapeeth, but I believe they are all in Gujarati.

I am not sure how many of these dissertations have resulted in publication of books and papers. The number appears to be very small. Since the market for research books in Gujarati is small, commercial publishers are not interested in publishing Ph.D dissertations. Institutional subsidies are also few. Moreover, little effort is made to make the results of good dissertations available in the form of

papers in Gujarati journals, let alone in English. Consequently, a great deal of new knowledge remains unknown to the scholarly public.

To what extent the teachers in postgraduate departments are involved in creative research is also questionable. There was a strong tradition among the first generation of teachers like Taraben Patel, B.V. Shah and Vimal P. Shah that a university teacher should teach as well do research. This tradition has gradually weakened.

While the role of universities in pursuing qualitatively significant sociological research has been declining, a few autonomous research institutions have been playing an increasingly important role in this respect. The leading institution is the Centre for Social Studies in Surat, founded by the late I.P. Desai in 1966 and supported by grants from the Indian Council of Social Science Research and the Government of Gujarat. Successive bands of dedicated scholars there have contributed a large number of studies on a variety of themes connected mainly with Gujarat. The centre has published books and papers, produced project reports both in Gujarati and English, organised seminars, and performed several other academic functions with distinction. It also publishes a Gujarati journal, *Arthat*. A few other institutions have also played a small though significant role.

A Gujarat Sociological Association has been in existence since 1988, and it organizes conferences from time to time. Most of the papers and discussions there have been in Gujarati.

In the main, sociological studies in Gujarat have increasingly tended to be oriented towards Gujarat and are in the Gujarati medium. This orientation is perfectly legitimate and should be respected, but its quality remains a matter of concern. There have been some excellent studies in Gujarati, but they are exceptions. Most studies suffer from some serious limitations. First, the studies are non-incremental. That is to say, they do not follow the goal of establishing even all-Gujarat propositions, let alone all-India ones. Usually each study stands isolated on its own. The authors make no attempt to compare their work with available works even in Gujarati and to carry forward an argument or an observation critically. Second, there is a lack of understanding of diversities within Gujarati society and culture and, therefore, lack of concern for building up a systematic comparative sociology of Gujarat. Third, there is an absence of terminological, conceptual, methodological and theoretical rigour. This limitation arises mainly out of the inability to use English as a library language.

Soon after Srinivas came to Baroda he reviewed the sociological literature on Gujarat and wrote a significant paper, 'Prospects of Sociological Research in Gujarat' (1953). It is high time another serious, critical retrospective is attempted and new prospects envisioned. This will require a genuinely integrated view of sociology and social anthropology which Srinivas had adopted and which unfortunately has weakened after he left Baroda University.

Regionalisation of sociology and social anthropology in all the linguistic regions of India seems to be an inevitable process. It needs to be accepted as a fact. Serious discussions are necessary to examine its consequences in every region and to establish an appropriate relationship between it and pan-Indian as well as world sociology and social anthropology.

Frozen ice and a silent spring

B K ROY BURMAN

WHILE the threat of academic colonialism may no longer loom large in the same way as in the late 1960's, with the fear that research may be used for unholy ends (see Patricia Uberoi, this issue), the problem of unequal power relations between intellectuals from 'metropolitan' and 'peripheral' centres remains. This is often manifested in meetings or conferences, especially where conditions in developing countries are pathologised without a similar understanding of the situation in developed countries. In this article, I draw upon the experience of a few international seminars and encounters to illustrate the 'frozen' nature of such exchanges, despite the overt appearance of intellectual exchange.

At the briefing session of the Asia Pacific Regional Conference, preparatory to the first International Summit on Environment held in Stockholm, the American Adviser of ESCAP (ECAFE in those days) remarked that 'Asia had enriched the spiritual heritage of mankind (in 1971 the word humankind was not in currency) and Asia was expected to fulfil this role in the coming decades as well.' The Asian delegates as a whole were not amused. Some asked how the material needs of the growing population of Asia would be met.

The wise man from America expiated at length on two issues: first, that everyone should live according to their means and second, that there should be an international division of labour. He expected the Asians to live a modest life and he assured them that with the build up of productive capacities in America and Europe it would be possible to satisfy the minimum needs of the population of Asia and Africa. He also suggested that high density population countries in Asia (like India), should ask the Central Asian Republics of the then USSR to accommodate a large number of migrants from them.

I asked why, in that case, India should not expect a large population to be accommodated in Canada, since

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that country too had a very low population density. When he tried to argue in terms of cultural affinity, many delegates from Asian countries accused him of a racist bias and demanded he provide a global picture of the carrying capacity of populations, in terms of existing and prospective technologies and resources, in different countries of the world. After a few angry fulminations, the gentleman slank into a sullen silence.

At the business session in the afternoon, the American adviser reiterated his comments of the morning. As the chair of the session, I intervened to remind him that he had been requested to provide some data in the briefing session; that if he did not have the data he should skip over the particular issue. He tried to defy my ruling and, supported by the leader of the Japanese delegation, asserted that as adviser he was free to present what he thought was relevant.

Rather than arguing rationally, he claimed that India had created a problem for Pakistan by inequitous sharing of water with the then East Pakistan. He was once again warned that unless he could present a comprehensive global picture, his selective reference to different countries would be construed as indulgence in politics. This was a meeting to sort out the technical details regarding the relation between environment and human settlement; if he could not provide the technical information required by the delegates, I said that, as the chairman of the session, I would place on record his incompetence and would not allow him to speak.

Again Japan protested while other Asian countries were dazed into silence. But support came from an unexpected quarter. The leader of the Pakistan delegation endorsed my view that the American adviser was

politicising the issue and requested me to order the gentleman to his seat. The silent stream of historical understanding among the different parts of the subcontinent washed away the pollution of politics that the pretentious expert had tried to introduce, even in a discussion of a technical-academic nature.

While such a silent spring may not flow through all such situations, most international academic discourses in which I have participated, the factor of 'frozen communication' operated quite vigorously. In 1974, the International Sociological Congress held in Toronto started with a session on the sociological dimensions of the population problem. One speaker was selected from each continent. In my speech I admitted that population explosion adversely affected not only national economies, but also social processes at the level of inter-ethnic relations, intra-family relations and so on. Nevertheless, when one speaks of eco-degradation at the global level, population explosion and the explosion of consumerism should be seen as two sides of the same coin.

I then analyzed the sociological factors which stood in the way of controlling consumerism in the USA and other so-called developed countries. I termed them 'mal-developed countries' and assured them that the sociologists in the Third World countries would try to help them. The coordinator of the session and the fellow speakers saw my speech as an unforgivable affront. After just a few minutes I could see that their faces had turned grim. When the session closed, the coordinator did not even look at me; he took leave of the other speakers and left. The 'frozen communication' was grimacing at me. But in my soul I could hear the whispering melody of millions. That which was a whisper

in 1974 became a thunder at Seattle, a quarter century later.

In 1980, I was invited to a Unesco sponsored workshop on Statistical Indicators of Social Development at Penang, Malaysia. There were around a dozen participants. I was the only anthropo-sociologist, the others were all statisticians. They were busy preparing an inventory of relevant indicators. I raised the question of weightage to be given to each indicator, and insisted that the weightage should be culture-specific, based on field studies. No one agreed and I was completely isolated. Even now this issue has not been resolved, Amartya Sen and Mahabul ul Haq notwithstanding. I am therefore not impressed by the Human Development Reports annually brought out by UNDP. Apart from positive weightage, there should be negative weightage by including several indicators of a different type (see Roy Burman, 1998).

In 1988, the International Congress of Anthropological and Ethnological Sciences was held at Zagreb in Yugoslavia. Here too, one speaker from each continent was to speak in the first plenary session on the emerging challenges to anthropology. In fact, there were two speakers from Asia: one, a physical anthropologist from China and I, a sociocultural anthropologist from India.

I spoke about the wrong priorities in technological development as a consequence of competition among the big powers for military supremacy. In such a context, additional micro-level studies and field work by anthropologists in isolation from the wider context could not be expected to contribute to human welfare. Micro-studies related to the wider context would radically redefine the focus of enquiry. Further, I pointed out that **51**

anthropologists by training were ill-equipped for such a task. Some awareness, not only about history, but about historical method, macroeconomics, philosophy and history of thought was necessary. My presentation got a mixed reception. Though warmly congratulated by speakers from China and Africa, the others were lukewarm. I again came across frozen ice covering a silent spring.

In 1998, the UGC and the British Council, Delhi, jointly organised a seminar on Human Rights Education. I was invited to participate as a member of the UGC Working Group on Human Rights Education. The participants included the Chairperson of the UGC, the Secretary, UGC and a number of legal luminaries, human rights activists and educationists. Some international agencies were also represented.

The British Council had taken the trouble to arrange a human rights educationist from the 'home country' to come to Delhi to 'educate' us about human rights education. I do not know whether his previous experience was restricted to educating children at home on human rights. At the very outset he distributed photocopies of a news item published in a US daily about the flogging ordered by a Singapore court for a delinquent US adolescent, resident in Singapore. He gave us each a blank paper and requested us to comment on the 'correctness' of the court in delivering such a harsh judgment.

I protested at the manner in which we were being treated. Instead of treating us like children, he should have first explained to us the theoretical premise informing the procedure he was following, and provided us with details of what the Singapore media had to say on the incident, not just what the American media had to

say. Some of the Indian participants argued with me for being harsh with a guest. Sometime after this incident, at a meeting of the UGC working group, it was announced that a small standing committee would be set up to deal with unspecified non-routine matters, which till then the group as a whole used to deal with. Naturally, I was not included in the standing committee and of course the working group has not met in the last two years. Perhaps there was no non-routine matter for it to deal with.

If this fossilised behaviour was an encounter reminiscent of the colonial era, this is not the end of the story. At the last meeting of the working group that I attended, we were told that some members would visit the UK to get acquainted with how they dealt with human rights issues. I was not aware that the UK had a human rights commission; just that under pressure of the European Union they were considering setting up one. I phoned the British Council to confirm the facts. After two days of being referred from one officer to another, I hazarded the guess that perhaps the UK did not have a human rights commission. Their reply was, 'Perhaps you are correct.' When I asked which members in the working group visited the UK and whom they met, I was met with a stony silence. I do not know whether I am still a member of the UGC working group. The right to dignity and the right to information are evidently not human rights as far as our swadeshi UGC is concerned.

Attempts by bleeding heart 'western' nationals to mould international discourse in ways that obliterate their own responsibility or that of their countries are most evident at conferences on indigenous peoples. In 1991, the Indian Council of Indigenous and Tribal Peoples (now

renamed Indian Confederation of Indigenous and Tribal Peoples) convened a seminar in Delhi on the definition of 'indigenous peoples'. There were participants from some international agencies, as well as from Canada and Germany.

In my keynote address, I defined 'indigenous peoples' as peoples rooted in their immediate physical and social environment in a manner that they amplify and elaborate their culture primarily with reference to such environment, while at the same time incorporating elements of culture from other sources at the secondary level. My position was that when so defined, indigenous and tribal people could be equated, though in a purely chronological sense it was extremely difficult to establish such an equation. While most Indian participants stood by my view, the non-Indian participants in general insisted on the use of the word 'indigenous' primarily in a chronological sense. At the same time, they wanted to treat indigenous and tribal as synonymous. I was faced with frozen ice.

I chaired the first working session. A representative of the German NGO, Endangered of the Earth, described his experience in Karnataka. He pointed out how, due to the corrupt practices of local revenue personnel, the tribal people were being dispossessed from their land. He insisted that unless tribal peoples were considered original settlers they would not be able to retain their land anywhere in India. I intervened to say that I was the Chairman of the GOI Committee on Land Holding Systems of the Tribals and that my committee had found that in some areas where the concerned tribal peoples were treated as the earliest settlers, hardly one per cent of the land was recorded in their favour, not merely because of the aberrant func-

tioning of lower level officials but because of the legacy of colonial land laws.

When he insisted on continuing his account of specific cases of default by Indian officials, I asked him whether the Romas in Germany, who did not even have citizenship rights, were not among the most endangered sections of the world human community. He fell silent, whereupon I advised him to board the next available plane and go back to Germany to help the endangered people there.

Another international encounter on indigenous issues took place in February 1996, in a workshop on Indigenous and Tribal Peoples in Commonwealth countries organised in Delhi under the aegis of the Commonwealth Human Rights Initiative, (Delhi Chapter) and Minority Rights Group, London. Soli Sorabjee, currently Attorney General of India, presided over the inaugural session. The participants were from Australia, New Zealand, Bangladesh, India, Pakistan, Sri Lanka, several international agencies and England. While welcoming the Australian High Commissioner, Soli Sorabjee referred to a famous judgement delivered by the Supreme Court of Queensland in Australia, which accepted that since the aboriginal peoples of the Straits Island had an organized polity sufficient to exercise jurisdictional right over their traditional habitat, the concept of *terra nullius* did not apply.

This case, called the Mabo case after the name of the complainant against the crown, is household word among jurists all over the knowledge. From what Sorabjee said, one might have got the impression that the Mabo judgement applied to the whole of Australia. I intervened to say that it applied only to the Straits Island and that a similar judgement with more

far-reaching implications had been delivered in Manipur way back in 1960. Though I had published the entire judgement in the 1960s, it had escaped the attention of jurists.

I also found that participants from Australia and New Zealand, none of whom belonged to any of the indigenous peoples of these countries, made exaggerated claims. Further, while some European scholars praised India in a patronising manner, they were unduly harsh about Bangladesh and Pakistan. The representative of an international agency made a patently incorrect statement praising a European country where some people are in a general way recognised as indigenous. I intervened and provided a rapid overview of the situation, country by country, modified the claim in respect of India and pointed out the incorrectness of the claim in favour of the European country. Later it was unanimously decided to request me to edit the proceedings of the workshop along with the papers presented therein (Roy Burman and Verghese 1995). The frozen ice melted unobtrusively.

I had more such encounters at the international level – the latest in April 2000 at Uppsala University in Sweden, at a workshop, 'Indigenous Peoples: trajectory of a modern concept in India'. I was under the impression that the meeting was on indigenous peoples in different parts of the world, but on reaching there discovered that it was mainly about India. There were some papers by European scholars covering some of the South East Asian countries, including the Philippines; there was also one paper comparing tribal policy in India and the USA. In several papers, the authors had ignored the violation of the rights of the aboriginal peoples by multinational mining enterprises (as in the

Philippines) or other issues which would expose the role of the colonial powers just before they gave up their rule (in Laos). Similarly the paper comparing tribal and indigenous policies in India and the USA was completely silent on vital facts about the USA.

Barring three or four exceptions, most of the papers contributed by Indian scholars discussed incidents in India without providing an overall perspective. Certainly I am unhappy about the policies and programmes which are being pursued in India; I have consistently written about them. But these should be seen in a world-system perspective and located in the sliding slope along which the Indian state is rolling down, particularly after moving towards a comprador role in a neo-liberal economic framework.

One Indian participant protested when I stated that the World Bank's assertion that all scheduled tribes in India should be treated as indigenous amounted to uninformed interference. I pointed out that in some states even brahmins had been included in the list of scheduled tribes, either as a matter of state policy or by mistake and that the local tribal peoples had agitated against this. I then asked him whether he still considered the World Bank to be right; he remained silent. The king can do no wrong.

Most disappointing was the presentation on the Saami situation. A Saami politician was invited to speak. Though he did not present any paper, he showed through slides the political administrative structure in the Saami area. He also provided some demographic facts and spoke about reindeer herding as the binding core of their culture. But he did not say that Saami land rights had been severely curtailed due to state action and that through a

court case they were in danger of losing three-fourths of the forest land on which they enjoyed some rights.

Although on indigenous issues the Swedish state is usually held up as a model to countries like India, no one pointed out that while in Finland Saamis are statutorily recognised as indigenous, and in Norway their indigenous status is indirectly recognised, in Sweden they are described as indigenous only in a general way without any statutory recognition. As the Saami politician was short of time he was not available for questioning. One expected that at a seminar held in Sweden, a comprehensive paper on the Saamis would be presented. If Indian scholars were expected to present the problem of the indigenous or tribal peoples of their country in great depth in Sweden, they could reasonably expect that a case study of the Saamis would be presented in similar depth.

The Saami problem has been of interest to me since the late 1970s, when I first learnt that they were losing their land through state policy and court intervention. Given my knowledge of the Saamis and several other peoples of Europe who deserve to be included in the list of 'indigenous' peoples, whatever the definition, I felt that the workshop should have spent time not only to clarify the concept of indigenous, but also to suggest that the case of Saamis and other such peoples be sympathetically considered. However, this was not taken up and I was again faced with frozen ice.

But this is not the end of the story. When I accepted their invitation I had asked the organisers to arrange a visit to the Saami area, which they graciously did. I was the guest of the President of the Saami Parliament and Community Development Authority of the Swedish government. I was

given full opportunity to visit the reindeer herders and to go through the synopses of court cases. Given my experience in India, I was able to draw the attention of the President of the Saami Parliament to certain points which had not been presented to the court. He was excited on discovering this, arranged a press meet and asked the press to carefully record my views which would be presented to the court as expert opinion.

From the records, I found that the Saamis had spent an amount equivalent to £10,00,000 on the court case they had lost; also that they were short of funds to fight other court cases affecting around 75 per cent of the land currently under their traditional use. I was surprised to learn that no Swedish scholar had espoused their cause during the court case and that no Swedish NGO had offered them financial help. I wrote to a Swedish scholar, but his reply was far from adequate. I also wrote to the Swedish International Development Agency located in Delhi, which has spent millions of dollars for the development of social forestry in India, enquiring about their own forest dwellers and why their traditional forest rights had been neglected. Currently I am exploring the possibility of arranging international help for the Saamis. If people in India receive international help, our own sense of self-respect demands that some Indians take up deserving cases outside India. It is not a silent spring but a humanist torrent I am looking for.

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Histories from the borderlands

SHARMILA REGE

THE intellectual beginnings of this essay can be found in an autobiographical account of my engagement with feminism and sociology as a student, a lecturer and an activist.

As a sociologist located in a UGC sponsored Women's Studies Centre, seeking to include/incorporate/integrate feminism in sociology, one found oneself on the margins, along with those who experienced the academy as an alien terrain. In academic life, women's studies organisationally exist as a semi-separate space, only in relation to ideas and research and not in relation to any convincing inter-disciplinarity. One thus travels between women's studies, the zone of exclusion, which allows greater expression of feminist ideas and practices, and the zones of inclusion within sociology, in relation to which one stands as an outsider.

Location as a feminist (outsider) in the academy gives one a vantage point that binds epistemology and ontology such that all knowledge (even the insiders') emerges as located, grounded and limited. What follows is an account of some of the contemporary practices of Indian sociology as perceived from one such location on the margins.

At the end of the 20th century, sociology, like most other social sciences, faced an impasse. Globalizing tendencies on one hand, and the resurgence of the Hindutva brigade in the last two decades on the other, have made the presence of sociologies from the margins more critical to the forging of political agendas and public policies. The number of women, dalit and bahujan students in the social sciences has registered a sharp increase, in many ways bringing a renewed vitality to the margins.

The increased scope and pace of social transformations, the spectre of privatisation of higher education, and the furious race for shrinking resources are rendering the margins more vulnerable to challenges within and without the university. In such contexts, the concentration of research facilities in a few 'national' centres of excellence or a greater guarding of disciplinary boundaries and retreat behind seemingly protective disciplinary barriers is often sought to be

legitimised as a way out of disciplinary crisis.

However, a heightened sensitivity to disciplinary histories need not necessarily mean increased sensitivity to the margins. In times of crisis, issues of institutional and intellectual marginality may in fact be pushed under the carpet of university formats and pragmatic constraints. An intellectual past of first generation sociologists whose works defied discursive boundaries, and an institutional past of being a 'residual category' discipline,[1] may not guarantee sustained dialogues with the margins.

However, there have been, across generations of practitioners, sustained debates on the development, institutionalisation and indigenisation of the discipline. More recently, there have been inquiries into the 'crisis' in the discipline, on the constitution of the disciplinary field and its core, and on practical aspects of curriculum development and pedagogies.[2] These guarantee a commitment to self-reflexivity

and dialogue across borders. The present inquiry locates itself in this tradition of self-reflexivity, while positioning itself on the site of 'borderlands'.[3]

Academic borderlands are the territories that lie between the academy and activism, sociology and gender studies, metropolitanism and regionalism, disciplinary boundaries and identities and interdisciplinary capacities. The 'borderlands' are themselves no doubt a contested zone, co-inhabited as they are by people of different castes, classes, languages, ethnicities, sexualities and politics. More importantly, in the academy, these socially contested borderlands are epistemological borderlands constituting the interface between different claims to knowledge.

Many of us who came to sociology in the late 1980s via university departments outside the metropolitan centres found little trace of the feminist and dalit student radicalism associated with these social movements. The curriculum could be best described as apolitical, distanced from

history, with courses neatly packaged into dichotomies of structure and change, modernity and tradition, rural and urban. The setting up of women's studies centres by the UGC in the borderlands of established departments in the social sciences, opened the possibilities of contesting these dichotomies and of doing politically engaged and personally relevant sociologies. It is important to note that the residual character of sociology and the absence of discursive unity has made it a space for Marxist, dalit and feminist scholars to intervene.

For the feminists in these newly constituted academic borderlands, the institutions and their practices were most obviously masculinist – in two closely related senses. Both the founders, the knowledge-makers, were predominantly male; also only that which was scientific and rational was defined as knowledge. The feminists were, therefore, ontologically 'strangers',[4] functioning as 'marginal intellectuals'[5] in the academy. There was much intellectual excitement as feminist critiques of the discipline challenged the absence and distortion of women's experiences in sociological knowledge. The history of the discipline was read more as a sociology of absences, constituting thereby a 'sociology of lack of knowledge.'

It was a period marked by the labelling and denouncing of the mainstream as 'malestream' and, at the institutional level, by a mushrooming of courses on 'women and society' in departments of sociology. It seemed as if sociology had opened its boundaries

1 D.N. Dhanagare, *Indian Sociology: Themes and Perspectives*, Jaipur, Rawat, 1993.

2. See, e g., T.K.N. Unnithan et al., *For a Sociology of India*, New Delhi, Prentice Hall, 1965; R. Mukherjee, *Sociology of Indian Sociology*, Bombay, Allied, 1980, T K. Oommen and P.N Mukherjee (eds.), *Indian Sociology: Reflections and Introspections*, Bombay, Popular Prakashan, 1986; D.N. Dhanagare, *Themes and Perspectives*; and N K Singhi (ed.), *Theory and Ideology in Indian Sociology*, Jaipur, Rawat, 1996. Also relevant are. P. Uberoi, 'Some Reflections on Teaching the Sociology of Gender', *Samyashakti* 4 & 5, 1989-90 and 'Reciprocity in Social Science: Gender Issues', *Indian Journal of Social Science* 6(3), 1993, pp. 243-58; M. Thapan, 'Sociology in India. A View from Within', *Economic and Political Weekly* 26(19), 11 May 1991, pp. 1229-34; S. Hedge, 'On Sociology in/of India: Towards a Discursive Deviation', *Social Scientist* 17(5-6), 1989, pp 93-108; V. Das, 'Sociological Research in India: The State of Crisis', *Economic and Political Weekly* 28(23), 1993, pp 1159-61, A. Béteille, 'Sociology and Common Sense', *Economic and Political Weekly* 31(35-37),

September 1996, pp. 2361-65; S. Deshpande, 'Crisis in Sociology: A Tired Discipline', *Economic and Political Weekly* 29(10), 5 March 1994, pp. 575-76; A. Giri, 'Creating a Community of Discourse in Sociology in India', *Economic and Political Weekly* 28(29-30), 17-24 July 1993, pp 1538-39, G.B.V. Murthy, 'Crisis in Sociological Research', *Economic and Political Weekly* 28(45), 6 November 1993: and S. Rege, 'If this is Tuesday – it must be Social Roles: Sociology and the Challenge of Gender Studies', *Economic and Political Weekly* 29(19) 7 May 1994, pp. 1155-56.

3. The notion of 'Borderlands' derives from Gloria Anzaldua's concept of *La frontera*, and from the notion of *Gavkusa Baheril* (outside the margins of the village, the settlement of the dalits) as it appears in the autobiographies of dalit writers. *La frontera* and *Gavkusa Baheril* are literal borders that create people whose everyday ontological condition is one of liminality (see *Borderlands/La Frontera: The New Mestiza*, San Francisco, Aunt Lute Books, 1987

4. See G. Simmel, 'The Sociological Significance of the Stranger', in R Park and E. W. Burgess (eds.), *Introduction to the Science of Sociology*. Chicago, Chicago University Press, 1921

5. K Mannheim, *Ideology and Utopia*, London, Routledge, 1936

to processes and developments beyond the discipline initiated by the women's movement. Some on the borderlands even anticipated a feminist revolution.

Yet, as is apparent today, not only is a feminist revolution missing in sociology,[6] but also that sociology has seen far less transformation in conceptual frameworks than other disciplines. The disciplinary assumptions and boundaries have not been as deeply questioned and reworked in sociology as, for instance, they have been in history, english or economics.[7]

The central importance accorded to the study of family, marriage and kinship meant that women were not invisible in sociology the way they were in history or economics. Such a presence of women in the disciplinary core has given sociology the label of 'soft' and 'general' discipline and, to that extent, there has been relatively less resistance to women practitioners in the field. Most women practitioners have sought to contest the discrimination in the profession, though very few have been concerned with the sexism of the discipline; even fewer see feminist sociology as a way of doing radical sociology. Consequently, there has been little transformation in the overarching brahmanical conceptualisations of caste in the academy.

As a feminist on the borderlands, one finds that the selective incorporation of feminist ideas has come at the cost of assimilation and, more importantly, less dialogue across

J. Stacey and B. Thorne, 'The Missing Feminist Revolution in Sociology', *Social Problems* 32, 1985, pp. 301-16.

Mary John, 'The Encounter of Sociology and Women's Studies: Questions from the Border' Paper presented at a national seminar on Recasting Indian Sociology: The Changing Contours of the Discipline', JNU, 20-21 arch 1997

boundaries. The feminist challenge is as if locked into a framework of 'successor science' versus 'sociological revenge'. The feminist borderlands have themselves come under sharp scrutiny as the unified notions of female subordination have come to be challenged. Feminist critics of sociology find themselves turning to the discipline with a new-found sense of belonging. The mission is still to explore, from the margins, what sociology can be and should not be, but with a more discerning sensitivity to the history of the discipline.

On the borderlands this means that several things need to be done. The varying conceptions of woman/feminism in the biographies of professional organisations, journals, academic departments, curricular and pedagogic practices need to be mapped, and the biographies of women and feminist practitioners and their careers need to be structuralised.

This essay limits itself to a review of changing conceptions in a professional journal, viz. *Sociological Bulletin*, the official journal of the Indian Sociological Society. To that extent, it gives a partial picture of contemporary disciplinary practices.[8] Obviously, it is not a complete history, for no one journal can be the sole indicator. Nonetheless, a map of the conceptual and theoretical paradigms helps tease out the dialectical relationships between

8 A UGC minor project to review woman/feminism in the *Sociological Bulletin* (the official journal of the Indian Sociological Society), *Samajshastra Samshodhan Patrika* (the official publication of the regional Marathi Samajshastra Parishad), as also in the biographies of women and feminist practioners, sociology syllabi and pedagogical practices in universities in Maharashtra is presently under way at the Women's Studies Centre, University of Pune. The present essay, however, is largely based on a review of issues of Sociological Bulletin in the period 1952-1996.

sociological conceptions and historical and social processes. Omissions, issues that were not debated or debated elsewhere, also provide important clues.

None of the articles that appeared in the Sociological Bulletin (SB) during the period 1952-70 were thematically concerned with women. Most obviously one begins to trace the presence of women in the area of marriage and family. In the first decade after the inception of the journal in 1952, there were interesting presences of women in writings on 'the return of bourgeois family in socialist Russia' (Vol. 2, March 1953), polyandry in Malabar (Vol. 7, March 1958), role of women in the family in early Christianity (Vol. 13, September 1964). Most of the writings on the family were concerned with the transition from 'institutional' to 'companionship' marriage, the changes in sex roles, and the impact of female education on familial interpersonal relations (Vol. 4, September 1955; Vol. 9, March 1960; Vol. 7, March 1958).

It is important to note that in all the opinion surveys on attitudinal changes towards the family, the samples appeared to be male. Categories such as 'graduate teachers' and 'students' were classified by class and caste but treated as gender-neutral (Vol. 4, September 1955; Vol. 9, 1961). Checklists in these surveys reiterated gender stereotypes such as 'women do not adjust, there is bickering amongst them' (Vol. 5, 1955, p. 170). There were two articles on matrimonial advertisements (Vol. 14, March, 1965 and Vol. 15, March 1966) which highlighted 'personal appearance' and 'efficiency in domestic chores' as ranking high on a list of expectations from brides.

While one expected the presence of women in articles in the area of marriage and family, what came as a

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surprise was the presence of women in articles on urbanisation and urban social problems. In assessing the social effects of urbanisation on industrial workers, women migrants were treated as a specific category (Vol. 6, March 1957). The studies on urban ecology (Vol. 9, March 1960), traced the relations between the social character of the ecological area and the age/sex structure. In studying urban social problems (Vol. 8, March 1959), especially beggary and prostitution, the stereotypes about 'female vices and immoral practices' were reiterated (Vol. 9, September 1960).

But there was a near complete absence of women in articles on community development programmes (Vol. 7, September 1958). Studies on knowledge of political personages in villages were based on all male samples (Vol. 10, September 1961). A similar invisibility of women could be noted in articles on caste/class patterns, social mobility, and in the increasing number of articles on panchayat raj and trade unions in the post-1965 period.

The 'voices of women' could be heard most in opinion surveys on fertility and family planning (Vol. 10, September 1961; Vol. 12, September 1963). A sociological analysis of the family planning programme (Vol. 15, September 1966) was explicitly done from a woman's perspective and drew conclusions that feminists were to later highlight in the early eighties. It argued that women were reduced to unpaid workers, handmaids and bedfellows. Women's opinions on sexual satisfaction and their inability to refuse their husbands were noted as serious factors to reckon with if the family planning programme were to succeed. There was also a note of protest against women being held solely responsible for family planning.

In the first decade not more than five women life members of the Indian Sociological Society were listed, but by 1970 at least 20 more had joined. Most women contributors (a total of about 10) in the period (1952-1970) wrote mainly on fertility, marriage, divorce and changes in familial relationships. Sunanda Patwardhan and Parvathamma, however, contributed in the 'male' domain of studies on about landholding patterns and power relations and caste in crisis.

The presidential addresses of the period, save the address by K.M. Kapadia at the Rajasthan Sociological Conference (where the issue of social change was addressed via an inquiry into the impact of the Widow Remarriage Act, 1956), were silent on women. However, none were overtly sexist in language and content. The panels at the All India Sociological Conferences (AISC) held in 1967, 1968, and 1969 reiterated the same story.

The presidential addresses in the 1970s were primarily concerned with issues of modernisation, development and planning (1970, 1971), the intellectual traditions in Indian sociology (1976) and the sociologist's quest for a better society (1978). The addresses and the panels at the conferences outlined the role of the sociologist – as an observer, analyst, or interventionist. There were debates on Marxian methods as value loaded (1970), on the sociology of social movements (1976) and on whether the sociologist's participation in social movements made him/her more integrated (1978). Most addresses were 'outward looking' and in some ways took note of political happenings and the social movements of the period.

The publication of the Report of the Committee on Status of Women in India (1975), and the resurgence of the second wave in the women's move-

ment in India were, however, missing, even as passing references. The report of the CSWI was listed in the books received but not reviewed in the pages of the journal.

A panel on 'Changing Status of Women in India: Policies and Problems' was organised by Tara Patel, probably for the first time in the history of the All India Sociological Conference. It focused on the invisibility of rural and working class women in sociological research and the decreasing political participation of women in the post-independence period. There was some discussion on how the 'non militant' Indian women performed dual roles in contrast to their western counterparts. Popular cinema was held responsible for giving a setback to the liberation of women in India (1978).

The debate on a sociology of sociologists in India (Vol. 27, September 1978), concluded that sociology was an overwhelmingly male profession. Interestingly, the long list of professional research areas made no reference to sociology of women feminism or even 'status of women' Nevertheless, despite being an overwhelmingly male profession, women have been office-bearers of the Indian Sociological Society and have served as editorial advisors of the Bulletin since 1975.

A thematic review of the articles published in the Sociological Bulletin in the 1970s showed sustained interest in issues of social class and educational-occupational aspirations Agrarian relations and electoral processes emerged as new areas of concern, though research in many of these areas became overtly sexist. In one study on social class and occupational prestige in India (Vol. 21, March 1972), the sample was reduced from 2091 to 1908 as female heads of house

holds and those who gave inadequate information were excluded. A study on caste, class and sex variations in social distance among college students, found girls to be more 'liberal in their attitudes', but 'idiosyncrasy' was stated as an explanatory factor! (Vol. 24, September 1975). In research on the electoral process, the only reference to women was in the form of 'dislike of Indira Gandhi' in the region under study because of her being a woman and a widow (Vol. 20, September 1971).

Social movements and theoretical frameworks to study them became a major area of concern in this decade (Vol. 26, March 77) with the peasant and dalit movements included along with the earlier interests in reform and religious movements. Only one passing reference to women's movements was, however, found in this volume on social movements, and that too as an example of how party-based activities may be misconceived as national movements. During this period articles on marriage and family marked a sharp decrease (there were only three). Women became relatively more invisible in the pages of the Bulletin as compared to the 1950s and 1960s, especially as the analyses of social movements and political processes outnumbered those of the family.

In the post 1975 period, there were some references to sex role being a result of socialisation (Vol. 28, March and September 1979) and to processes of women's decision making in the family (Vol. 26, September 1977). Though it was claimed that the most conspicuous social change in Indian society was in the area of status of women (Vol. 25, March 1976), there were no takers for studying this conspicuous change. The impact of feminism and early women's studies in India was best seen in two articles of

the period. While one underlined female participation in farm work (Vol. 25, September 1976), the other highlighted women's membership in a women's club as family status production work (Vol. 24, September 1980).

Nevertheless, the decade was significant for the increased sensitivity to the history of the discipline, its teaching and research programmes. There was more discussion on ideology and social sciences, involvement and detachment of social scientists, radical sociologies, and even some critiques of the divorcing of human experience from knowledge. The ground was being prepared for integrating knowledge, experience and politics.

The growth towards interpretative and reflexive sociological knowledge continued in the 1980s. There were pleas for contextualisation, discussions on phenomenological sociology and reflexive reviews of paradigms and discourses. This opening up to the social construction of knowledge was accompanied by a flood of studies from a Marxist perspective, especially on agrarian structures in India. While neither of the above mentioned trends showed any direct influence of feminism or feminist studies, by contesting the positivist abstract 'objectivity' they made way for feminist analyses of the social construction of knowledge.

The 1980s were marked by a combination of studies that gave visibility to women as well as those that posed paradigmatic challenges. It is interesting to note that while the former were dispersed across several volumes, the conceptual and epistemological challenges appeared as an exception in a single volume. If you miss this volume, you miss the voices of the feminist revolution in the discipline!

The impact of feminist research and the proliferation of women's stu-

dies were developments seen in several articles of the period. One directly addressed the limitations of the survey method and highlighted the importance of everyday lived contexts to understand the conflicts in women's working and occupational lives (Vol. 33, March/September 1984). A more direct challenge to the dominant paradigms was posed in a critique of the biologistic assumptions of the structural-functionalist approach to explaining the inequalities between the sexes. A case was made for setting aside male-centred categories in Marxist analysis for a more 'gender sensitive' frame of socialist feminism (Vol. 36, March 1987).

'Gender' as a theoretical category came to be employed, probably for the first time, in the study of change in family structures (Vol. 37, March, September 1988) and in drawing up of a profile of women as actual agricultural producers. The relationship between the segregation and seclusion of women and the invisibility of their work came to be underlined. Life histories and statistical profiles were combined to underline the processes of permeation of gender ideology in societal perception of women's education, sharply challenging the assumed link between education and modernisation in case of women (Vol. 39, March-September 1990).

Equally underlined was the failure of conventional approaches to social stratification to explain gender differences in education and occupational attainment, advancing a case for a feminist-materialist approach to interrogating the education system as a mediator of caste, class and gender inequalities. The dangers of 'cultural relevance' in education in a gender-based society were delineated by teasing out the gender relativism in educational policies and practices

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(Vol. 39 March-September 1990). The books reviewed in the issues of the Bulletin of this period included at least five works by feminist scholars; also the workshops conducted before and after the World Congress of Sociology had specific panels on 'women' issues: wife-battering, women's struggles and gender as a basis of social stratification (Vol. 35, September 1986).

In his inaugural speech at the XI World Congress of Sociology, M.N. Srinivas underlined the significance of women's studies in highlighting the androcentric bias in the social sciences. Significantly, he viewed women's studies as one more trend in Indian sociology, among other trends that sought to comprehend Indian society from the point of view of the oppressed. The working paper for a panel on 'Gender and Society' organised at the XXth AISC underlined the ways in which gender perspectives could reorganise and reconstitute sociological discourse.[9] This was a significant development in that it was probably the first time that the feminist challenge to received theoretical and epistemological notions was put so directly.

However, the abstracts of the 43 listed papers in the panel reflected the carryover of an obsession with roles and role conflict, and a series of confusions emerged from the rather loose use of the concepts of sex and gender. By this time, courses on 'women and society' had made their appearance in the postgraduate sociology syllabi. However, the conceptual confusions in the abstracts suggest that the increasing visibility of 'women' had not meant any significant reworking of sociological discourse.

The last decade (1990-96) witnessed a greater presence of femi-

9. Sujata Patel, 'Gender and Society' Contemporary Theoretical Challenges' Working Paper, XX AISC, Mangalore, 1993.

nist scholarship in the journal. Matriliny (Vol. 42, March-September 1993), nude worship (Vol. 41, March-September 1992), political patriliny (Vol. 43, March 1994), and the social history of the Age of Consent Bill (Vol. 45, March 1996) were discussed. The larger part of the discursive space was occupied by dalit movements, dalit resistance (Vol. 45, September 1996), social mobility, and ethnicity (Vol. 41, March-September 1992). Gender as an analytical category was usually missing in these, the exceptions being two of the three articles on the social impact of the new economic policy (Vol. 44, March 1955).

Discussions on feminist pedagogies and the sociology of emancipation, conceptual issues in theorising patriarchy, feminist social theories and women's narratives of pain were all packed into a single issue (Vol. 44, September 1995). In his Presidential Address at the XXIIth AISC, Yogendra Singh highlighted the importance of gender sociology as a form of doing 'activist sociology'.

Yet, there seems to have been little organisational initiative to develop the sub-field in a manner that would establish 'gender' as a category of analysis just as crucial as caste and class. If anything, the questions of 'class or caste', 'class or gender' and more recently 'caste or gender', were debated more outside the pages of the Sociological Bulletin. The debates on 'status of women in India', the women's movement in India, violence against women, work inside and outside the home, and the structures of patriarchy remained significant omissions.

More questions than conclusions emerge from this review of the articles published in the Sociological Bulletin (1952-1996), the presidential addresses of the AISC, and reports of

the AISC conferences. Sexism was apparent in the formulation of the research questions, in the methods used, the data collected and interpretations made. Nevertheless, dominant assumptions within the disciplines started being challenged from 1975 and the possibilities and potential of interpretative, politically engaged, radical sociologies came to be discussed. That this created a ground for feminist interventions is reflected in the absence of any direct refutations or backlash to feminist scholarship

The impact of these interventions has been most marked in substantive sociology (family, education), with empirical work on questions raised by the women's movement, but the conceptual framework and dominant paradigms have continued relatively unchanged. 'Women' as subject matter were never completely absent in the sociological discourse of the Bulletin, since in the important sub-fields of family and demography, for instance, they could not be ignored. However, sociologists of politics, religion, formal organisations, and social movements virtually ignored women. For those working in quantitative research traditions, gender (understood as division between men and women) has been easily included as one more variable. The feminist scholarship and theorisation on gender has been included as one more kind of scholarship.

Overall, the impact of feminism or other engaged sociologies like Marxist sociology on the discipline (at least as it appears in the Sociological Bulletin) has been negligible. The 'origins' of the sociological study of gender in sociological studies of family and marriage (largely within a functionalist frame) have left an imprint in terms of basic conceptualisations and assumptions. The con-

ceptualisations invariably fall into a frame of 'sex roles', and there is a lasting assumption that 'gender' operates primarily in the private sphere. This had a very depoliticising effect for all those striving towards a feminist sociology. (As someone put it, 'Imagine talking of "class roles" or "caste roles" and you'll know how depoliticising "roles" have been!')

In feminist scholarship, it has been customary to speak of 'paradigm replacements'. It is assumed that feminist interventions would gradually move from making women visible to documentation of inequality, conceptualising gender as social structure, and finally to a stage of conceptualisation of the complex matrices of gender and other structural inequalities. As is apparent from the pages of the Bulletin, such a 'stages approach' is much too neat to be real. The varieties of assimilations and co-options have meant the loss of an erstwhile oppositional epistemological frame and a weakening of the voices on the borderlands. Organised and organisational efforts, research committees, and pressure groups within professional bodies are needed to tackle these issues, and more.

The tensions and dialogues between the 'many worlds' of women/gender in sociology suggest that several dichotomies need to be addressed. History and sociology, regionalism and metropolitanism, the intellectual and institutional, appear as dichotomies in institutional practices, as do objectivism and subjectivism and brahmanical and non-brahmanical perspectives in the disciplinary core. Without these, reflexive reconstructions of theoretical frameworks, conceptual systems and epistemological positions are likely to be postponed. As also the feminist revolution in sociology and probably a feminist presidential address at the AISC!

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SEMINAR ISSUES

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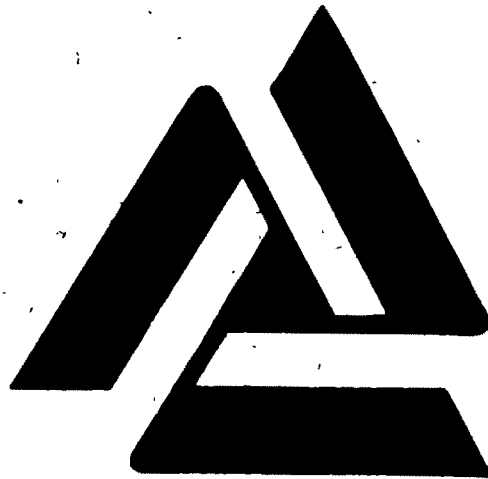
Comment

Transacting sociology at the school level

THE body of 'sociological knowledge' included in . the syllabus of the CBSE textbooks, provided and compiled by scholars of the NCERT, covers a wide gamut of sociological thought. They are indeed broad, all-encompassing, information-giving sociology textbooks. Starting from Auguste Comte's 'science of society', the pages fleetingly cover concepts of Durkheim's division of labour and linger over his ideas of the forces of mechanical and organic solidarity! The book then introduces Max Weber's 'interpretive sociology' that lays stress on the study of interpretation and recognition. A typical paragraph reads, 'Max Weber is obviously influenced by the German idealist thinkers particularly Kant, Hegel and Dilthe. Weber agrees with these thinkers about the role of thought and consciousness in bringing about social and historical change' (sociology textbook for class XI, page 18) What may I ask, can anyone make out of this verbiage, leave alone impressionable and earnest 16 and 17 year olds, trying to come to grips with a new subject?

While class XI sociology grapples with introducing basic concepts, the class XII sociology text moves on to understanding Indian society Ploughing through chapters on India's unity and diversity, the caste system and so on, one encounters a number of statements that are value loaded, contradictory and jargonistic. The chapter on religion reads, 'Max Weber was the first to mention a Hindu ethic consisting of the principles of *samsara* (belief in the transmigration of souls) and *karma* (doctrine of compensation). These two principles together formed the basis of the caste system. Consequently upon this, according to Weber, the caste system did not have a this-worldly rational ethic.'

The other problem with these textbooks is that they were written more than a decade ago. Thus, chap-ters on the scheduled castes, scheduled tribes and other backward castes are restricted in scope, cover-age and terminology. Most of the time spent in class, students must negotiate the subtle differences between caste and jati that are clubbed as SC/ST or OBCs! Otherwise, they are forced to memorise the highlights and recommendations of the obsolete Kaka Kalelkar Commission and controversial Mandal Commission reports. Significant movements of the backward classes and dalits in UP, Bihar and Tamilnadu do not find a place.

For a teacher of sociology, it is indeed a Herculean task to outline caste distinctions and traditional hier-archy patterns of the caste system. Even after years of study and experience one has not been able to fathom caste hierarchies that are usually portrayed in common parlance, i.e. the four-fold *varna* system of caste, most commonly found in north India. It would be a good idea for sociologists to be a little more sensitive while out-lining patterns of stratification; viz in Tamilnadu, other than the Brahmins, all other communities can avail of the backward caste status and thus reserveration upto 65 per cent for admissions to colleges. And in Kerala, other than the Namboodiri Brahmins no other commu-nity is designated as a 'twice-born' caste and neither can be graded occupationally as in the varna system. Tell me, how does one transact these nuances and anomalies to students born and bred in New Delhi who have no idea of how people live their lives in rural areas? And, is it necessary for them to know various theories and controversies at the school level? These are concerns which should involve them at the postgraduate level.

Presently, it is important to situate the 'new science' and understand its vast unimaginable poten-

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tial for deciphering critical issues of today. Even more, teachers must be equipped with a sociological imagination, which alone will help practitioners of sociology to draw on other disciplines like economics, politics and information technology, help stretch the canvas so that students can relate micro happenings to macro issues, and study the dilemmas we face and reflect important commonalities.

Sociology has the power of instilling students with a *weltanschaung* or worldview. It can lay the foundation to help study social facts objectively Most importantly, the subject matter can infuse students with critical and analytical thought processes. The subject matter of class XII has immense scope for the pedagogue to engage students in a meaningful dialogue. Understanding India's great traditions, student's must/ can ponder over why only the brahminical code of ethics take on names like 'great', while cultures and lifestyles of those outside the varna system are described as 'little traditions'. Who were, or are, the indigenous populace of Hindustan? It is also important that teachers pick out major trends, and locate them in region-specific contexts so that students learn to relate with social action in more concrete terms. Sadly, in classroom transactions, children are made to use a curriculum which leaves out the messiness of society totally from their worldview, thus making it difficult to relate reality with concepts.

This science of society has the capacity to sensitize young adults to social phenomena. It can prepare students to deal with issues which are going to affect their cocooned lives when they encounter admission policy at the college level based on reservations and not merit. Unfortunately the present textbooks, though topical and of valuable content, have been systematically hollowed out.

No wonder then, most teachers of sociology resort to picking out main trends from textbooks and dictate copious notes that students spend hours in taking down. Also, in most cases, teachers do not want to be burdened with any more 'thoughts and ideas' over their syllabus for the board exams. Somehow teachers remain mired in completing the course with the least amount of dialogue. And so the study of sociology deteriorates to 'concept-surfing' and dictation by the teacher and regurgitation by students during the CBSE examinations. Even while it is undeniable that no subject is better equipped than sociology to let precious lives understand the world they live in.

Latha Govindan

Backpage

WHAT should one make of the barely disguised and unaesthetic glee of some members of the political class on the 'conviction' of the former PM in the JMM case. The bland statements of the official spokespersons of Rao's party, the Congress(I), that they 'respect' the judgement of the special court signals more their desire for proximity to the current power centre in the party than any acceptance or faith in the majesty of law. At least, lawyer-politician Kapil Sibal was more honest in his remark that our legal system, on the rare occasion that it does concern itself with the powerful, does so only when they are 'down and out'.

Many are 'sad' that Rao has met this fate. They applaud his memory because he ushered in economic reforms, even more that he was the first, and so far the only, non-Nehru-Gandhi politician to complete a full term as prime minister, thereby rescuing Indian's top job from the 'natural' claims of the family. They, of course, conveniently forget his somnambulent role as home minister during the 1984 anti-Sikh riots or as PM during the demolition of the Babri Masjid.

There is much more that Rao will have to answer for. His 'alleged' role in the urea scam, wherein his son (along with others) remains charged with engineering a pay-off of Rs 133 crore to a fly-by-might Turkish company, ostensibly to import much needed fertiliser In the process, those responsible subverted every economic institution – from public sector banks to the cabinet committee on economic affairs. And, unlike the more famous Bofors case, not a gram of urea reached the country.

Nevertheless, for Rao to be 'hung' in the JMM case, that too on the technicality of having conspired to bribe MPs to save his government in a no-confidence motion debate, is a bit like crucifying Indira Gandhi for electoral misdimeanours in using Yashpal Kapoor, a public official, as her election agent. Even those crusaders ever keen to damn the political class, grudgingly agree that this is a bit unfair. But then, Al Capone, was finally nabbed on a tax avoidance charge.

Rao, of course, can appeal and he will, as the other convicted politician Buta Singh has. There is reasonable likelihood that the higher court may exonerate them, once again on technicalities. But, there is little doubt that public opinion does see him as guilty. They just don't swallow the 'unfairness' of letting the other co-accused, including the more unsavoury Satish Sharma and Bhajan Lal, off, or upholding the somewhat specious distinction between bribe givers and bribe takers.

Among the other questions that this judgement throws up is the 'immunity' our political class has managed for itself for acts committed as part of their legislative functions. Consequently, there is little, legally, which can be done for engineering splits and defections, promising pliant MPs superior posts, or even kow-towing to pressure from allies or factions by announcing special programmes of relief or subsidy – a process that we have increasingly witnessed in recent years. That this may cause far greater harm to the public exchequer is quietly accepted as the stuff of politics.

Another is the use/misuse of the legal system, in particular through the institution of special courts or through PILs, to 'fix' political opponents. It is widely believed that Rao used this route to silence dissenters in his own party, or 'tarnish' those in others in the Hawala case. The appointment of judges and special prosecutors is after all an executive privelege. The fact that a number of them have political connections or are seen as pliable is hardly hidden, though rarely openly talked about. Judges too enjoy immunity, and though the provision was instituted to shield them from pressure from both the executive and legislature, it is liable to misuse in terms of hiding judicial impropriety. And, of course, there is the permanent Damocles sword of 'contempt of court'.

We do need to evolve mechanisms to cleanse out corruption and criminality from the apex of our system, to ensure accountability of rulers. The judiciary does-offer one such route. The downside is, to use Harish Khare's evocative phase, that 'judicial vigil can degenerate into judicial vigilantism.' Settling political scores through a recourse to the courts or the media, increasingly a favoured route, while using empty moralisms such as 'everyone is equal in the eyes of the law' or the public, can well turn out to be a case of the cure being worse than the disease.

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Harsh Sethi

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The problem

*Where should we go after the last frontiers,
where should the birds fly after the last sky?*

Mahmoud Darwish

THIS plaintive cry of the Palestinian poet about his people could well capture the plight of the Kashmiris. Prisoners of both history and geography, the last five decades have seen their state converted into a battleground, real estate over which two warring nation states seem to have constructed their raison d'être. The Pakistani leadership, military or civilian, may well believe that Kashmir is central to its idea of a Muslim homeland, the unfinished business of Partition. The Indian leadership too may well believe that the 'loss' of Kashmir may mean the end of secular India. How this justifies holding a people hostage to abstract notions about nation states remains both a mystery and a tragedy.

For more than five decades Kashmir has remained a contested terrain. Three, or is it four, wars; years of insurgency and terrorism; a proliferation of militants, both home-grown and foreign; an overwhelming presence of armed forces; thousands of civilians killed, maimed, tortured, detained, disappeared, and what have you – have done little to persuade the dramatis personae that a continuing expenditure of force may deliver the 'peace' of a graveyard, it cannot ensure a solution. To talk of peace in a blood-soaked land is never easy. To not talk of it, however, is only to invite disaster.

There is today a great clamour for talks. If the Irish, the Israelis and Palestinians, even the Koreans can agree to sit across a table, why can't we? And yet, despite episodic efforts and a flurry of track II and III initiatives, substantive dialogue does seem somewhat distant. Is it that we do not know whom to talk to? Is it that too many of the 'real' actors have a vested interest in perpetuating the status quo? Or is it that memory, history and geography have driven confidence in the 'other', what to speak of trust, surely a precondition for effective dialogue, underground? There does appear a subliminal fear that any alteration in the extant reality of Kashmir may begin the process of unravelling the fragile skein of the sub-continent.

Sri Lankan political scientist, Jayadeva Uyangoda, recently argued that war begets war, that it creates a self-perpetuating rationale. Novelist Michael Ondaatje, in what is arguably the most evocative narrative of the multiple civil wars marking the island, despaired about the inability to talk to one's neighbour. And yet, it is a creative and courageous leadership that realises that the constituency for peace invariably outnumbers that for war.

It is not that there is a shortage of proposals doing the rounds. Even if, for a moment, we concentrate only on the Indian part of the state, there are a

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variety of proposals around the notions of autonomy (the State vis-a-vis the Union) and decentralisation (issues of regional and local autonomy). It is indeed disconcerting that the state government's autonomy proposals met such a hostile reaction. This when the abrogation of Article 356, defining the terms under which the state acceded to the Union, is no longer on the formal agenda of any of the major political formations. To not discuss the nitty-gritty's of the autonomy proposals, whether within the wider framework of recasting Indian federalism or in terms exclusive to J&K, on flimsy grounds that it involves a reversal to a pre-1953 position or that the nomenclature of the governor and chief minister would change, is only losing an opportunity for settlement.

Equally contentious are the proposals for a trifurcation of the state, foregrounding differences rather than the similarities within the three regions of Jammu, Ladakh and the Valley. Or worse, for redrawing even intra-regional internal boundary lines on essentially religious grounds. Not surprisingly, critics have seen these as exacerbating the already strained communal divisions in the state, putting paid to, once and for all, the composite notion of Kashmiriyat. This despite those not from the Valley (Jammu and Ladakh), or even the minorities within different regions having consistently complained of discrimination, politically vis-a-vis the Valley Muslim community.

There is fortunately less dissonance over improving the poor human rights situation in the state. Whether or not it is realistic to propose a reduction in the strength of the armed forces given the reality of militancy/insurgency aided and abetted from across the border, ensuring greater accountability of the forces – army, para-military, police – has to be high on the social agenda. No democratic state, even one fighting a vicious insurgency, can hope to turn a blind eye to the escalating incidence of rights violations. Of course, this demands that those on the other side too, the militants, agree to a set of rules, and this is more difficult to enforce.

The recent report by Justice Pandian on the events following the Chitsinghpora massacre marks a rupture in the discourse on human rights in the state. For the first time, a judicial enquiry has blamed the state for unprovoked firing resulting in civilian casualties; worse, of picking up unarmed villagers, killing them in cold blood and passing the incident off as an encounter with militants responsible for Chitsinghpora. The judge has now been asked to enquire into the original incident, so far widely laid at the doorstep of the militants.

All this is clearly new. In the past, any talk of excesses and human rights violations was trapped in a discourse of patriotism, of playing into the hands of the enemy and weakening the morale of our fighting

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forces. The recent exchange between Prem Shankar Jha and Pankaj Mishra is a good example. Now at least there is a possibility of seriously interrogating our strategy of counter-insurgency operations, of playing off one militant group against another, of arming 'reformed' militants to fight against those still in the fray.

Finally, the issue of democratic, legitimate and responsible governance. The state, after all, does have an 'elected' government, even if the electoral participation was abysmally low. Why has it been impossible to hold local body elections for panchayats and municipalities? Or to fiscally arm these bodies and regional boards so that the everyday business of maintaining and improving development infrastructure can be taken up? How long can a government trot out the excuse of insurgency when confronted with broken down and missing schools, primary health centres, roads and bridges?

It is, at the best of times, difficult to make sense of Kashmir. Outsiders find the trauma of living in constant fear near-impossible to comprehend. Though the state, unlike the 'troubled' regions of the North East, has remained high in the national consciousness, the dominant feeling vis-a-vis the Valley has remained one of hurt – why is it that despite pumping in so much money we are still treated as outsiders? Equally strong is the critique of corrupt regimes – trotted out as the reason for alienation. Rarely, if ever do we, who see ourselves as Indians, recognise our complicity in permitting the political class to continually betray Kashmiri aspirations.

More intriguing are reports which suggest that the last decade, remembered more for the insurgency, violence and killing, has also seen a noticeable growth of wealth in the Valley. Investment in real estate, in the Valley, in Jammu, and elsewhere in the country by the Kashmiri Muslim community has substantially gone up. So have the numbers of Kashmiri youth, both Muslim and Pandit, enrolled in professional courses, including in capitation colleges, in different parts of the country. The artisans who earlier interacted with the market through non-Kashmiri traders are now doing so directly, in the process earning better margins. The growing prosperity, albeit of a narrow strata, and its steady incorporation into an all-India middle class too is impacting on the politics and psyche of the people in the state.

Enlarging the terrain of discussion to incorporate Pakistan Occupied Kashmir or Azad Kashmir undoubtedly complicates the matter. Should we work towards converting a de facto border, the Line of Control, into a de jure one? Accept the reality as it is and then move ahead? Should the border be a hard or a soft one, permitting greater interaction among Kashmiris on either side? Would this not imply a prior settlement with Pakistan?

There is, of course, the discomfiting fact that little is known, at least in India, about the conditions in Azad Kashmir, what to speak of the Northern Territories of Gilgit and Baltistan which are to all effect merged into Pakistan. Proposals for a unified Kashmir maintain a diplomatic silence on this matter. How then are we to read the prospects of these proposals? Equally, for all those suspicious of the narratives of the nation state, the nostalgic renderings of a pre-1947 unified Kashmir come through as somewhat hollow.

If the Irish accord is any indication, it is evident that any purely internalist framework is unlikely to succeed. The British government, the Irish government and the political parties in Northern Ireland all agreed that the peace talks would hinge on three strands – the first dealing with the internal political arrangements within Northern Ireland, the second dealing with North-South relations in Ireland, and the third addressing relations between London and Dublin. Equally, everyone agreed on the importance of total disarmament of all para-military organisations and armed groups and on using only democratic means. There was also appreciation of locating the arrangements within a wider framework, that of the European Union.

Ireland may turn out more of a success story The Middle East, Oslo notwithstanding, demonstrates that the struggle for peace, just and with honour, is a long haul; that the consensus remains fragile, amenable to destabilisation at any time. And yet there is no option.

Years before the Oslo accord, Edward Said published *After the Last Sky* – a book on Palestinian lives without a single violent image. Many of us were intrigued at what we read as a romantic, somewhat nostalgic rendering of a troubled land and people. Only later did we realise the importance of bringing ordinary people in their everydayness into discussions of geopolitics and diplomacy. What ordinary people want most is to experience the possibility of living out banal lives, the small joys and sorrows, in peace.

This issue of *Seminar* explores some frameworks for peace in the context of Kashmir. There are no given answers or even paths. But if we fail to build on the few and fragile windows of opportunity or include the widest spectrum of actors, hopes for peace may remain just that, hopes.

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Learning from others

RADHA KUMAR

AFTER a gruelling year of escalation of the Kashmir conflict, attendant on the Kargil misadventure of spring-summer 1999, July 2000 saw a breakthrough which lasted a tragically short few days. One of the largest of the Kashmir militant groups, the Hizbul Mujahideen, declared a cease-fire on Tuesday, 24 July. Contrary to most press reports, as the Hizbul head Syed Salahuddin clarified, the cease-fire was not unilateral: it gave the Indian government one week to respond to its call for 'unconditional' talks and an end to reprisals and human rights violations, and three months to begin implementing measures.

The government welcomed the cease-fire and the army was put on strict orders to curtail its hot war against the Hizbul, which would have, in practice, also entailed a curb on army-militant encounters. Meanwhile, the army established contact with the Hizbul to work on the details of the cease-fire.

It was just such a set of cease-fires by Republican and Unionist militias which allowed the peace process to begin in Northern Ireland in 1994. These too could have been seen as unilateral: that is, they were not reached mutually, either with each other or with the British government, but one by one. To have seen them as unilateral, however, would have been to miss the point. The cease-fire by the IRA led the Unionist paramilitaries to follow suit, and the renewal of the cease-fires year after year for a decade allowed a political peace process to take hold. For the first time in Kashmir's decade of insurgency, it looked as if something similar could happen here

From press reports it appeared that the Hizbul's cease-fire had the tacit blessing of the Pakistani government. It was not unreasonable to hope that pressure on the other militant groups to also cease-fire might follow. Indeed, the cease-fire offered a golden opportunity to Pakistan to show support for a Kashmiri peace process. Instead, the Pakistani Foreign Office's mixed messages, the Lashkar's attack on an army camp in the valley and the death of some thirty pilgrims by army crossfire, the barbaric attacks on brick workers and a marketplace crowded with pilgrims, and the continuing upsurge of militant violence which left 100 dead in two days were grim reminders of how thorny the Kashmir issue is.

In the event, the Hizbul cease-fire lasted no longer than a fortnight. Though it was widely welcomed by Kashmiri citizens, it was initially opposed both by the All Party Hurriyat Conference, an umbrella group of some 30 militant as well as non violent Kashmir independence groups, many based in Pakistan, and by other militant factions under the umbrella of the Pakistan-sponsored Jihad Council (whose first reaction was to expel the Hizbul, who were readmitted to the Council only after the cease-fire was withdrawn).

In Pakistan, meanwhile, where Syed Salahuddin, the head of the Hizbul Mujahideen, is based, the government (probably the intelligence agency, the ISI, which runs most of the militant groups that are active in Kashmir) put sustained pressure on Salahuddin to demand tripartite talks between India, Pakistan and Kashmiri representatives as a condition of

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extending the cease-fire. The Hizbul's demands now included (*a*) that the talks should not be limited within the framework of the Indian Constitution; and (*b*) that they should be tripartite from the start (the Hizbul had earlier suggested that Pakistan be included 'at a later stage').

The Indian government's initial welcome of the offer cooled as they were repeatedly asked to clarify their position on these two demands. As violent attacks spread across the valley, domestic political pressures – both from within the ruling party and its wider 'family', the Sangh Parivar, and from opposition parties, most notably the Congress – led the government to vacillate on talks. The constitutional issue, which was a red herring as India has never hesitated to amend its Constitution, assumed a quite disproportionate significance, with different ministers and civil servants saying different things. The prime minister's bold statement that 'our talks will be within the bounds of humanity alone,' which he chose to make from Srinagar en route to visiting the pilgrims after the attacks, came too late to stem the damage.

Meanwhile, Indians were treated to the unedifying spectacle of a two-day parliamentary debate on the death of the pilgrims in army crossfire, as the hours approaching the cease-fire deadline ticked away. The cease-fire was called off as the parliamentary debate continued, without once having broached the question of what needed to be done to extend the cease-fire and make it hold.

Having been in India during this time, I remember being more and more puzzled by the unfolding events. The initial declaration of the cease-fire, Salahuddin's and Dar's press conferences, Pakistan's deliberate silence and the quick, positive res-

ponse of the Indian government led me to believe that all sides had not only done considerable spadework to arrive at a cease-fire, but had also done considerable homework on what needed to go into a successful peace process. The comparison that came to my mind was Northern Ireland. But when the Pakistani authorities reverted to condemnation and pressure on the Hizbul to introduce more conditions to their offer, Salahuddin began to cave, and the Indian government began to vacillate, I saw that my first assumption was wholly wrong.

India and the Hizbul had clearly done some spadework to arrive at the cease-fire, but neither they nor Pakistan had done any homework. In particular, neither country had anticipated domestic responses or worked out a strategy to deal with them; not one of the three had assumed that there would be several and major glitches which would need to be overcome; indeed, India had not even learned the lesson which both Oslo and Northern Ireland in their different ways had made clear: there will be spoilers itching to halt a peace process.

In fact, there are valuable, and radically different, lessons to be learnt from the two peace processes. In the Northern Ireland peace process, the contours of the ultimate settlement were visible from the start. Its first agreements, under US pressure, were between Britain and Ireland. The US role was key, because the Irish-American diaspora are not only enormously influential in both the US and in Ireland, but also were a major source of support for the ethnic nationalists in Northern Ireland. Their change of heart, to support a peace process, helped make the early breakthroughs.

Under the November 1985 Anglo-Irish agreement the British government agreed to establish per-

manent structures for consultation with the Irish government, and the Irish government accepted that the decision on whether to remain in the United Kingdom or unite with Ireland had to be made by the Protestants and Catholics of Northern Ireland as a whole. It took another six years, however, to find a formula for talks within Northern Ireland, despite IRA feelers for a cease-fire that would bring the Sinn Fein into talks (the feelers were not pursued because Britain, under Prime Minister Margaret Thatcher, was determined to exclude the Sinn Fein).

The 1991 formula laid down three tracks for talks: on relations within Northern Ireland, between Northern Ireland and the Irish Republic, and between Britain and the Irish Republic. The agreement to all-party talks was itself a major advance, but the exclusion of the Sinn Fein soon became a sticking point, until in 1993 six months of negotiations between John Hume, the leader of the Social Democratic and Labour Party (SDLP) in Northern Ireland, and Gerry Adams, the leader of the Sinn Fein, produced a set of proposals linking a cease-fire to the talks.

Based on these, the British and Irish prime ministers issued a declaration on 15 December 1993, that: the people of Northern and Southern Ireland were entitled to self determination, and the British and Irish governments would accept the Sinn Fein and other electoral parties as legitimate participants in all-party talks for a settlement on the basis of a permanent end to terrorist activities and a commitment to 'exclusively peaceful methods and… the democratic process.'[1] For the British, who had steadfastly refused to negotiate with the

1. Kevin Boyle and Tom Hadden. 'The Peace Process in Northern Ireland', *International Affairs* 71(2), 1995, pp. 271-2

Sinn Fein because of its IRA connections, the agreement was a major step forward.

The declaration was made in an extraordinary atmosphere created by the release of an independent inquiry commission report headed by Torkel Opsahl, a long-standing member of the European Commission on Human Rights. The Opsahl Commission considered some 550 submissions and concluded that 20 years of direct rule by Britain had resulted in a democratic deficit in Northern Ireland that could only be filled by a power-sharing government in which the two communities were seen as political equals ('a parity of esteem'); it also recommended restructuring administrative institutions, in particular the police, so that 'nationalists would both want and feel able to exercise their share of responsibility within a context they have historically found inimical.'[2] The immediate impact of the report was so considerable that within a month of its release the Dublin Senate debated it; opening the debate the Irish Foreign Minister, Dick Spring, said that it was the fruit of 'an extraordinary experiment in public participation.'[3]

The Joint Declaration of December 1993 was enthusiastically received by Irish American supporters of the Hume-Adams proposals, who stepped up campaigns to draw the Sinn Fein into the peace process. The announcement of an IRA cease-fire in 1994 was partly a consequence of their efforts; under British pressure the bulk of the Protestant paramilitaries soon followed suit. The cease-fires were welcomed by Britain and the US as offering a special opportunity to apply an evolving strategy of sustaining peace with economic development, which focused on cities as key sites for ethnic or communal integration.

In December 1994 US President Clinton appointed former Senator George Mitchell Special Advisor to the President and Secretary of State for Economic Initiatives in Ireland; in the same month US Secretary of Commerce Ron Brown led a delegation of US business executives to Northern Ireland to attend Prime Minister Major's Belfast Investment Conference. The strategy was vigorously pursued in Northern Ireland throughout 1995, at least partly due to US pressure.

These openings were built upon in the years to follow. In February 1995 a set of framework documents which elaborated the ideas of shared sovereignty aired in 1993 were announced by British Prime Minister John Major and Irish Prime Minister John Bruton. The Joint Framework Document proposed that Northern Ireland and the Irish Republic would share an all-Ireland Council, composed of the departmental heads of the Northern Ireland Assembly and Republican ministers; the Council would concern itself with 'matters with a natural or physical all-Ireland framework,' transport, tourism, industrial development and the administration of cross-border EU programmes.

Britain and Ireland would establish a standing intergovernmental conference to implement the Anglo-Irish Agreement of 1985, under which the two countries acknowledged a joint responsibility for Northern Ireland; both governments additionally 'pledged themselves to the protection of the rights and identities of both traditions' (i.e., of Protestants and Catholics).[4] The Framework for Ac-countable Government in Northern Ireland was separately announced on the same day by Prime Minister Major; it proposed a new, devolved Northern Ireland Assembly comprised of departmental committees whose heads would be appointed on the basis of ethnic/communal proportionality; the Assembly and its committees would be overseen by a triumvirate of two (Protestant) Unionists and a (Catholic) nationalist, whose decisions would have to be consensual, and who would be elected by direct vote.[5]

Despite the broad level of Anglo-Irish agreement which the framework documents represented, the issue of both decommissioning and demilitarization remained controversial. For the next nine months progress on the framework documents was deadlocked by the British insistence that Sinn Fein could not be a party in the talks until the IRA disbanded. In November 1995 Prime Ministers Major and Bruton announced a possible breakthrough: that an international commission headed by US Senator Mitchell would look into decommissioning.

In January 1996 the international commission recommended that Sinn Fein's participation in the all-party talks should not be made conditional on the prior decommissioning of paramilitaries but should instead proceed side by side with it. A last-ditch effort to rescue all-party talks by Prime Ministers Major and Bruton in late February by embarking on 'intensive consultations' on a broadly acceptable elective process towards all-party talks was inconclusive, and the talks which began on 10 June 1996 soon petered out and were put on hold until after the British elections of June

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2 Robin Wilson, 'The Opsahl Report. A Civil Society Response to the Conflict in Northern Ireland', *HCA Quarterly* 8, Autumn 1993, p 7.

3. Ibid, pp 7-8.

4 Ibid, p 46

5 Boyle and Hadden, *op cit*, pp 278-9.

1997, which Tony Blair's Labour Party won resoundingly.

The Northern Ireland peace process was finally put on a fast track. Within months Blair had met the Sinn Fein leader Gerry Adams and secured a new IRA and loyalist paramilitaries' cease-fire, Northern Ireland witnessed the historic Hume-Trimble handshake (modeled on the Arafat-Rabin handshake), Sinn Fein was included in all-party talks, and an agreement on elections to a Northern Ireland Assembly was reached. With a stroke of genius, power-sharing in Northern Ireland was made part of an overall package of devolution, under which Wales, Scotland and Northern Ireland were all granted assemblies.

Indeed, Blair pushed through devolution in Scotland and Wales *before* pushing it through in Northern Ireland Thus the Ireland-Northern Ireland structures were complemented by structures for regional cooperation between England, Wales, Scotland and Northern Ireland. At the same time, separate commissions were set up for decommissioning and police reform, each to submit its report within two years.

The establishment of a commission for police reform was a major step towards alleviating Irish Catholic fears of the Royal Ulster Constabulary, but its separation from decommissioning – especially within a context in which the latter was proving an obstacle to Sinn Fein's participation in the political process – had the counter effect of allowing both Catholic and Protestant fears to flourish, the latter now beginning to fear that while decommissioning faltered police reform would gather pace, leading to the erosion of Protestant security and the loss of some ten thousand Protestant jobs. The question of decommissioning continued to dog the peace

process, and though elections were held in the summer of 1998 the new Northern Ireland government was not constituted until a year later, and has again been brought to a standstill over IRA decommissioning.

While this underlines the key importance of combining demilitarization with policing, the significant progress towards implementing the Framework Agreements which has been made since late 1997 makes clear that turning the clock back to pre-peace process days is no longer an option. Though peace will be hard won in Northern Ireland, it will be won.

By contrast, the Israel-Palestine peace process was ambiguous from the start, implying some form of partition but focusing on (interim) self-government. In other words, it never directly asked which partition was to be addressed – of 1948? of 1967? of the ever changing 'facts on the ground' established by expanding settlements? Nor did it examine the relationship between interim arrangements and the ultimate goal. This ambiguity was deepened by the Oslo Accords. The Oslo process began as a back channel negotiation while the US-backed international Madrid Conference was underway; most observers agree that the Palestinians would have got fairer agreements at Madrid than they did at Oslo.

The Palestinian 'Interim Self-Government Authority' plan which was presented at Madrid proposed a phased withdrawal of Israeli troops from the West Bank, Palestinian control over the occupied territories' land, water, and natural resources, territorial sea and air space, and a unified economic-zone; legislative, executive and judicial powers; rights to enter bilateral relations with other states and a strong police force but not an army. Under the plan the Authority

would have the right to ask for a UN peace-keeping force. Elections to the Authority would be under UN supervision. As a preliminary to the interim phase, the plan recommended that Israel repeal settler legislation and freeze settlement activity, release political prisoners, allow deportees to return, and refrain from collective punishment.[6]

As with Northern Ireland, the Madrid Conference was initially bogged down by an Israeli refusal to talk to the Palestinian Liberation Organization, or to contemplate an Israeli-Palestinian track. The deadlock was temporarily circumvented by the appointment of a Palestinian delegation from the West Bank and Gaza, i.e., excluding the PLO and creating a formal, though not felt, divide between the Palestinians in the occupied territories and the Palestinian diaspora, but talks soon floundered again on the issue of PLO exclusion. The Oslo channel offered a way of bringing the PLO into the formal talks, but the informal talks at Oslo entailed a series of far-reaching compromises by the Palestinians, leaving the bulk of territories under continuing occupation.

In 1993 a Declaration of Principles was signed at Washington, accepting Palestinian self-government in Gaza and Jericho; its most significant achievement was Israeli recognition of the PLO's right to administer areas of Palestinian concentration. A second accord provided for Israeli redeployment from the Palestinian cities. The accords did not set a frame for the return or compensation of refugees; they gave Israel an interim period to resolve its settlement plans

6. UN A/47/115 S/23680 of 4 March 1992, Document presented by the Palestinian Delegation (Palestinian side of the joint Palestinian-Jordanian Delegation to the Israeli Delegation on 3 March 1992.

(and allowed Arab lands to be claimed for settlements during the interim period),[7] and offered no guarantees on Jerusalem; and they left access to vital natural resources and freedom of movement under Israeli control.

Indeed, the second phase of devolution of Palestinian cities, under Oslo II, was envisaged as leading to a gradual cantonization of the West Bank, with large and unconnected Palestinian 'cantonal clusters' around Nablus, Ramallah, Bethlehem, Jericho and Hebron, with a possible corridor to Gaza and Rifah by an elevated rail and motorway.[8]

The Oslo Accords were followed by the Cairo Agreement in February 1994 setting a timetable for Israeli withdrawal from Palestinian cities, followed by a second Cairo Agreement under which Palestinians would be allowed to provide security in their cities if they met Israeli security requirements, stipulating a Palestinian police force more akin to a paramilitary than a civil police, with an intelligence branch, mobile land forces, and naval and air elements.

Following the agreement more than 9,000 former PLA regulars and irregulars were deployed in Gaza and Jericho. The need to meet Israel's security requirements combined with their very real structural inability to provide security to Palestinians (given the Israeli control over roads and highways, entries and exits), together served to put the Authority in a posi-

7. Jemal Tutunji and Kamal Khaldi, 'A Binational State in Palestine: the Rational Choice for Palestinians and the Moral Choice for Israelis', *International Affairs* 27(1), January 1997, p. 41

8 Jan de Jong. 'Palestine After Oslo: Borderlines Between Sovereignty and Dependency', in *Beyond Rhetoric Perspectives on a Negotiated Settlement in Palestine*. part two, Washington DC, The Center for Policy Analysis on Palestine, August 1996, pp 14-16

tion of simultaneous dependency and defensiveness and served to concentrate power in a relatively small number of hands. With their heavy dependence on foreign aid, even to pay administrative salaries, corruption was bound to follow, and by all accounts did.

Israeli PM Yitzhak Rabin's assassination and the subsequent election of Benjamin Netanyahu's Likud Party pushed the Oslo process into a further downward spiral. While Israeli redeployment slowed to a snail's pace, settlements continued to expand, especially around Jerusalem. Today, seven years after the Oslo Accords were signed, the Palestinian Authority controls some 18% of the West Bank and 60% of Gaza. The Israeli Defense Forces can impose a state of siege on Palestinian populations, as they are doing in the current *intifada* – indeed, in Hebron, they keep over 100,000 Palestinians under siege in order to preserve the freedom of movement of roughly 400 settlers.

And yet, by the peculiar sleight of Oslo, not only the Palestinian Authority but Palestinian parents are considered responsible for controlling the frustration and rage of young Palestinians, even of inviting laser-guided guns, tanks and helicopter gunships to attack stone-throwing children. Israel's current Prime Minister, Ehud Barak, recently remarked, 'If I believed killing 2,000 of them would settle the conflict, I would do it' (adding that as he did not believe it would, he wished to return to negotiations).

Prime Minister Barak came to power promising a speedy settlement of Israeli conflicts with Lebanon, Syria and the Palestinians. At the recent Camp David meeting this summer, he favoured a new partition proposal, of Israeli withdrawal from Gaza and over 80% (the actual figures have

not been released) of the West Bank, with Israel annexing the big settlement blocks and leasing the Jordan valley; some, to be negotiated, form of Islamic/international control over the Al-Aqsa mosque area, but neither divided not shared sovereignty in Jerusalem. The literally existential question of the refugees was barely tackled, except for the reiteration that they have no right to return to Israel but leaving open Palestinian cantons, and extend the analogy that Oslo's critics made, and we see in the Israeli response to the current intifada, with the apartheid regime's Bantustans.

Are there any lessons in this for Kashmir? Every situation is unique, especially so to those directly involved in it, and there are crucial differences between Northern Ireland, Israel-Palestine, and Kashmir. Some of these actually indicate that breakthroughs could be easier achieved in Kashmir. Far from being opposed to or divided over a political rather than military settlement, the Indian Army is in favour of one, though the signs from Pakistan are more conflicting. Within Kashmir, communities are not as sharply divided, and so a negotiated process will have wide popular support. There are no 'ancient hatreds', though the renewed wounds of partition will take a long to time to heal – and indeed, though they will not disappear even if a settlement to Kashmir is found, they will continue to dog Kashmir unless they are treated separately and as well.

If the continuing search for a cease-fire is anything to go by, India, Kashmir and Pakistan (to a nebulous extent) all appear to be looking for a way into a peace process. As far as all three are concerned, Oslo provides salutary lessons of what *not* to do, while Northern Ireland shows what *can* be done.

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The international system and the Irish peace process

ADRIAN GUELKE

CHANGES in the international system have had a profound effect on the course of conflict in Ireland, notwithstanding the common jibe that the clock has stood still in the country for more than 300 years. The onset of Northern Ireland's troubles in the late 1960s coincided with the beginnings of the post-colonial era, while the troubles started to peter out with the end of the Cold War. The correspondence was by no means accidental.

At the start of the troubles, the prevailing interpretation of self determination was territorial and the world appeared to be heading towards an international political system composed entirely of sovereign independent states with permanently fixed boundaries. In contrast, by the end of the troubles, not merely had the interpretation of self-determination become problematic, but the process of globalization was eroding the concept of sovereignty with the consequence that the notion of the modern international political system as being based on the principles established by the Peace Treaty of Westphalia in 1648 was being widely challenged.

Similarly, at the beginning of the troubles the emphasis on individual human rights undercut the notion that minorities should enjoy special rights. By the end of the troubles, the notion of minority rights were firmly embedded in a number of international conventions.

During the process of decolonization the principle of self determination was interpreted as a right of peoples, and 'people' was defined in territorial terms as simply being the inhabitants of a political entity with

pre-existing boundaries. Colonies, generally speaking, were administered as separate political entities by colonial powers so that treating the self entitled to self-determination as the majority of people within any given territory facilitated the transfer of power to nationalist movements with a minimum of disruption to the international political system.

However, this political revolution was not achieved universally without violence. This was because in some instances there was conflict among nationalists over the spoils of independence and because in other cases there was resistance by the colonial power in question to ending its rule for strategic, economic or ideological reasons.

But the most difficult problem was where the line should be drawn in the unfolding process of decolonization. In particular, did 'peoples' of regions of former colonies have a right to secede from a newly established independent state? And did 'peoples' of regions of the former European colonial powers themselves possess any right to self-determination? In particular, were such regions entitled to secede if a majority of the people in the region supported such a step? And would a bare majority in a referendum suffice?

One of the reasons for the adoption of the 1970 United Nations Declaration of Principles of International Law was the desire of most members of the international community to provide definitive answers to these questions. It was seen as a way both of underpinning the legitimacy of the new post-colonial order in Asia and Africa and of drawing a line as to where the process of decolonization should stop.

Thus, the strongest element in the 1970 declaration was its anathema

against secession, though some room for argument was left by the reference to 'sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination and thus possessed of a government representing the whole state belonging to the territory without distinction as to race, creed, or colour.'

The main purpose of restricting protection against secession to such states was to prevent colonial powers which integrated territories administratively without extending full citizenship rights to their population from invoking the anathema against secession to resist decolonization. The hostility of the international community towards secession was reflected in practice in the response of most states to the two principal African conflicts of the 1960s – the Congo crisis and the Nigerian civil war.

Northern Ireland was one of a number of places within the First World of western states where conflict erupted in the late 1960s and early 1970s challenging attempts to limit the geographical scope of decolonization. Others included Quebec, Corsica and the Basque country in Spain. In Northern Ireland the nationalist argument was that Northern Ireland was a gerrymandered political entity constructed on the basis of covering the largest part of the north-east of the island as was compatible with the maintenance within it of a secure and permanent Unionist majority. Nationalists rejected the legitimacy of partition which was imposed unilaterally by the British government under the Government of Ireland Act of 1920 and which, significantly, preceded the negotiations with Sinn Fein to end the Anglo-Irish war.

A weakness of the case for partition from a political perspective was

that dividing the island between entities comprising respectively of 26 and six counties was difficult to defend on the basis of the pre-existing administrative divisions of colonial Ireland. The opt-out of the province of Ulster, comprising nine counties, might have been justified on the grounds of the opposition of a majority of the inhabitants of the province to rule from Dublin Alternatively, the exclusion of four counties from rule by Dublin might have been justified on the basis of the opt-out of individual counties with Unionist majorities. The actual exclusion of six counties entailed including in Northern Ireland two counties with nationalist majorities.

However, arguments over the genesis of partition were almost certainly less important to members of the international community at the start of the troubles than the simple argument that the division of an island under more than one sovereignty was a violation of the principle of territorial integrity. Political acceptance of the notion of the wholeness of islands was reflected in political practice. The division of islands under more than one sovereignty was comparatively rare and in the small number of cases where it occurred it was often the product of establishment of settlements by rival colonial powers with the partition of the island justified as corresponding to this division.

A number of factors contributed to the perception of Northern Ireland as an illegitimate political entity at the onset of the troubles. The peculiar status of Northern Ireland within the United Kingdom was one factor. Northern Ireland was the only part of the United Kingdom then to have a devolved government of its own. It was the only part of the country where **21** elections were not contested by Britain's main national political parties.

It was also the only part of the United Kingdom where membership of the United Kingdom was explicitly stated to depend on the continuing support of a majority of its electorate or, to put it another way, to be accorded the right of secession from the union.

The corollary of the constitutional guarantee that Northern Ireland would remain part of the United Kingdom as long as that was the wish of its parliament at Stormont and, after its suspension, that of the Northern Irish electorate as expressed in a referendum, was that it would cease to remain part of the United Kingdom if that condition was not met. The outbreak of disturbances in the province itself put a question mark over its legitimacy by the visible demonstration of disaffection from the polity of a sizeable minority of the population. Further, in the context of the completion of the process of decolonization, it seemed to provide an answer to the questions – where next and what is left?

The difficulty of addressing the question of Northern Ireland's place in the world and at the same time devising political arrangements capable of securing widespread support across the province's sectarian divide contributed to the intractability of the Northern Ireland problem though the course of the 1970s. The either/or basis on which the issue of sovereignty was perceived during this era was reflected in the attitudes both of the politicians and the paramilitaries.

The interpretation of existing international norms underpinned the zero sum approach taken by Republicans and most Unionists. The prevailing emphasis on individual human rights and the lack of any special provision for the rights of minority groups gave Republicans little incentive to accept the framework of the six counties. Republicans had a stronger case

in terms of world opinion by pressing their claim to self-determination as part of a territorial majority on the island of Ireland. Even constitutional nationalists seeking a political accommodation with Unionists rejected the notion of a wholly internal settlement, insisting that there had to be an Irish dimension to the resolution of the Northern Ireland problem.

Republican and nationalist attacks on the legitimacy of Northern Ireland as a political entity had the effect of reinforcing the siege mentality of Unionists. Compromise was seen by most Unionists as entailing a slippery slope to a united Ireland. At the same time, the contrast between the principles underlying the proposals for the governance of Northern Ireland and those underpinning the status quo in the rest of the country provided a ready justification for Unionist opposition to change.

At the time of Northern Ireland's experiment in power-sharing in 1974, Third World states were pressing for the creation of a New International Economic Order (NIEO), which was designed to enhance the economic sovereignty of states by increasing the power of governments to control and to regulate the activities of multinational companies. The context of the debate in the United Nations General Assembly on the NIEO was the threat that the quadrupling of oil prices posed to the economies of western states. The use of the oil weapon was intended to put pressure on the West in relation to Israeli-Arab dispute, but it also gave the Third World majority in the General Assembly a measure of leverage to press for changes to the organization of the world economy in line with prevailing ideology in economic matters among Third World states, which was nationalist in its assumptions.

One way of interpreting the attitude of Third World states on economic issues was as a defensive reaction to growing economic interdependence, a process that was attracting the attention of international relations scholars and providing a challenge to the dominance of the realist perspective in the discipline. But it could also be presented as a logical extension to the economic sphere of the quest of Third World states for independence.

Thus, it was commonly argued that the continuing dependence of Third World states on the West amounted to a system of neocolonialism. Those fighting against this system saw themselves as engaged in a common anti-imperialist struggle. The aspiration to combine economic and political independence – often allied to a radical programme for the transformation of society through measures such as land reform – was encapsulated in the concept of national liberation.

Through the 1970s, the example of Vietnam provided inspiration to revolutionary movements throughout the world, while the popularity of the concept of national liberation was reflected in the inclusion of the term in a variety of languages in the names of numerous violent organizations that emerged in the 1970s both in the Third World and regions of the First World. These points were exemplified in Ireland by frequent references by Republicans to Northern Ireland as Britain's Vietnam and the formation of the Irish National Liberation Army (INLA) in 1975.

From the vantage point of the beginning of the 21st century, it seems that these ideas reached the peak of their influence in the mid 1970s. Despite declarations from the UN General Assembly, a new international economic order was not adopted. The

threat posed to western economies by the rise in oil prices was met by the recycling of petro-dollars through the western banking system and not by a new deal for the Third World. The significance of this outcome tended to be masked at the time by political developments, particularly the collapse of authoritarian right-wing governments in Southern Europe, which seemed to provide a further boost for left-wing forces.

Moreover, the overthrow of the Shah of Iran in 1979, the revolution in Nicaragua in the same year, and the victory of guerrilla forces in Rhodesia culminating in the emergence of Zimbabwe in 1980, hardly suggested that anti-imperialist forces were in retreat and concerns over these and other challenges to western influence were a factor in the victories of conservatives in elections in Britain and the United States in 1979 and 1980. However, none of these political developments actually enhanced the credibility of an economically nationalist alternative to the rejuvenation of the capitalist system through measures of economic liberalization.

By the end of the 1970s, the Provisional IRA had abandoned its expectations of a quick victory achieved as a result of the withdrawal of British forces. A new strategy was adopted, that of the long war, in the expectation that only sustained pressure over a long period would secure the Republicans' objective of a British declaration of intent to withdraw from Ireland.

During the 1970s, Republicans had set great store by opinion polls showing that a large majority of the British electorate wanted the troops withdrawn. The failure of public opinion to change policy led to a reassessment of British intentions. Republicans explained the reluctance of Britain to withdraw in terms of stra-

tegic and economic interests in the maintenance of partition. The political boost to the position of the Republican movement as a result of the 1981 hunger-strike crisis in the prisons ensured that for almost a decade these propositions were not subjected to critical scrutiny.

The proposition that Britain had an economic stake in partition was only possible to sustain on the basis that autarky was a viable economic strategy in the context of a united Ireland. This was not immediately undermined by the entry of the United Kingdom and the Republic of Ireland into the European Community, since on the left in both countries there was considerable support for the view that entry had been a mistake because the rules of the Community, particularly in relation to free movement of capital and economic competition, prevented the adoption of socialist policies. However, in the longer term the new economic realities did begin to erode Republican analysis of the economic motivation for British imperialism in Ireland. Thus, by the 1990s, the model which had once been central to Republican thinking of a socialist, economically self-sufficient, united Ireland seemed a pipe-dream, even to Republicans.

After the signing of the Anglo-Irish Agreement in November 1985, the SDLP leader, John Hume, tried to persuade the Sinn Fein leadership that the agreement meant that the British government was now neutral on the question of the union and that there was therefore no justification whatsoever for the continuance of the Provisional IRA's campaign of violence He did not succeed largely because the Republican movement remained wedded to the view that inclusion of Northern Ireland in NATO was still an important objective of British policy.

But with the fall of the Berlin Wall and the end of the Cold War, this last prop of the Republican analysis of British policy in Northern Ireland disintegrated.

In November 1990, the Secretary of State for Northern Ireland, Peter Brooke, made an important speech in which he declared that 'the British government has no selfish strategic or economic interest in Northern Ireland.' The speech had a profound effect on Republican perceptions and Brooke's declaration became a core element in the discussions between John Hume and Gerry Adams on the peace initiative that paved the way to the Joint Declaration by the British and Irish governments in December 1993 which launched the Irish peace process.

Other changes in the external environment played a part in the Republican movement's abandonment of the long war. During the 1980s, the Republican movement made wide use of comparison of the Provisional IRA's campaign of violence with the 'armed struggle' of the African National Congress (ANC) in South Africa and that of the Palestine Liberation Organization (PLO) against the state of Israel and its continuing occupation of territories captured in 1967. It was reflected in the widespread use of these comparisons in Republican rhetoric and propaganda.

Inevitably, President de Klerk's liberalization of the South African polity in February 1990 and the decision of the ANC to suspend its armed struggle in August of that year had a profound impact on the Republican movement. If fundamental change was achievable in South Africa of all places through negotiation, then how could Republicans sustain the position that Northern Ireland was irreformable? Agreement between Israel

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and the PLO in September 1993 simply added to the pressure on Sinn Fein to come up with a peace strategy to sustain the credibility of the comparisons it had come to rely upon.

A further source of external pressure on Sinn Fein was evolution in the attitudes of the various elements of the Irish-American lobby. Influential in changing the reactive basis of the lobby's engagement with the conflict was a new organization, Americans for a New Irish Agenda (ANIA). While sympathetic to the Republican movement, it subtly changed the objective of American involvement from the achievement of Irish unity to one of ending the conflict without prejudging the shape of a settlement. At the beginning of 1994, ANIA persuaded President Clinton to admit Gerry Adams on a 48-hour visa to attend a conference, on the understanding that such a development would facilitate its efforts to bring about a cease-fire by the Provisional IRA. (It is worth noting in parenthesis that an American President would hardly have contemplated taking such a step during the Cold War. Entirely predictably, it would have angered the British government, despite its ultimately pacific intent.)

The declaration of a cease-fire by the Provisional IRA in August 1994 did not lead directly or quickly to a political settlement. The Republican movement's dissatisfaction with the pace of political developments after the cease-fire led to its breaking down in February 1996. The cease-fire was reinstated in July 1997. It took a further nine months for agreement to be reached in the multi-party talks. Further, the Good Friday Agreement of 10 April 1998 fell far short of the political objectives of the Republican movement, leading to Sinn Fein's qualified endorsement of the agree-

ment on the basis that it would facilitate the transition to a united Ireland.

The agreement was far closer to the objectives of its nationalist rival, the SDLP, in its emphasis on political accommodation. It also bore a sufficiently close resemblance to the power-sharing experiment of 1974, which the SDLP had participated in but which the Republican movement had denounced, such that the deputy leader of the SDLP was moved to describe the agreement as 'Sunningdale for slow learners'. The same basic elements of power-sharing in a devolved government for Northern Ireland and an Irish dimension were present in both agreements.

However, both the external environment and the ideological climate of opinion surrounding the agreements were very different. In particular, by 1998, globalization and rapid technological change through the information revolution had discredited policies of economic nationalism. The progress of European integration had reached the point of agreement on the creation of a single currency, though, admittedly, without Britain's participation.

The demise of communism had led to a decline in politics based on class as parties aspiring to government found themselves driven by market forces to operate within the prevailing neo-liberal consensus on economic policy. Identity politics had tended to displace class politics, facilitating—and facilitated by—an increasing focus on the rights of minority groups. The prospect of the devolution of power to Scotland and Wales created the context of the innovative proposal for a British-Irish Council to balance the enhancement of North-South ties within Ireland, thereby ameliorating Unionist fears that closer ties between the two parts of Ireland would auto-

matically distance Northern Ireland further from the rest of the United Kingdom.

In addition, the interpretation of both self-determination and sovereignty was undergoing considerable change in the wake of the collapse of communism in Eastern Europe and the Soviet Union. The international community's anathema against secession had been considerably weakened as a result of the break-up of Yugoslavia. Admittedly, the independence of Slovenia and Croatia and their recognition by the international community have yet to prompt the United Nations General Assembly to rewrite the 1970 Declaration, but these two cases clearly set a precedent for the unilateral secession of regions from existing sovereign states.

At the same time, cases of genocide and other atrocities in the post-Cold War world have led to the view that intervention in the affairs of sovereign states may be justifiable if gross violations of human rights occur. This has taken the world further away from the Westphalian ideal of the international political system as being made up of sovereign, territorial states not penetrated by external authority – an ideal which had been supported by most members of the international community as recently as the 1970s.

These changes in the interpretation of both self-determination and sovereignty have been reflected in a remarkable transformation in perceptions of Northern Ireland's conditional status. At the start of the troubles it was viewed as an indication of the province's semi-colonial status, detracting from its legitimacy as a political entity. Enshrined as the consent principle in the Good Friday Agreement, it has been hailed by regional nationalists and ethno-nationalists in other parts of Europe, such as the Basque

country and Corsica, as providing a model for their situations.

However, in part, the change has come about because the implications of the province's conditional status appear in a different light as a result of demographic change. Thus, at the start of the troubles there seemed no prospect whatsoever that the principle of consent might facilitate any change in its constitutional position. The prospect that it might, has played a very large role in nationalist acceptance of the principle. The facilitation of cross-boundary links under the Good Friday Agreement, the soft sovereignty which that implies, the emphasis on minority rights, and the explicit provision for the transfer of sovereignty if that is a wish of a majority, are aspects of the agreement that have attracted interest as possible elements in the resolution of ethnic conflicts elsewhere.

However, the significance in the Irish case of the provision for the transfer of sovereignty should not be exaggerated. As pointed out above, this position is not in any way new. Much more significant is the manner in which the agreement recognises that good governance can only be achieved through political accommodation within the province between two communities with differing national allegiances. It explicitly recognises that special measures are needed that take account of each community's differing national identity, and that these will be necessary in the future regardless of which community happens to constitute a majority of the population within the province.

· In fact, what is most remarkable about the agreement is that it has provided a way of legitimising Northern Ireland as a political entity for the first time in its history and that has been done without a change in the border or a transfer of sovereignty.

Placing people at the centre

SEMINARIST

THE crisis in Kashmir. seeming to abate with the elections of 1996 which returned the state to a popular government after a singularly dismal spell of Governor's rule, is firmly back on the national and, unhappily, the international agenda. Many reasons are sought for this and many explanations proffered: the two South Asian neighbours going nuclear, raising the spectre of nuclear conflict; Pakistan sponsoring infiltration by terrorists into Kashmir; the alleged imposition of a 'puppet government' on the state by India; the international competition to dominate Central Asia with its emerging oil

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potential, to which Kashmir is adjacent and indeed a geographic part.

Although each case will have its supporters and its critics, the heart of the problem lies in the need for resolution of the conflict within the unhappy state. This author is convinced that if the parties involved were to agree simply to respect what the people wanted, a resolution would be readily found.

The case of Kashmir is different to many similar ethnic conflicts in other parts of today's world. While Israel's problems and those of Ireland have arisen from military conquest of a people and the excesses and humiliation that necessarily follow, not easily, if ever, forgotten, Kashmir had become part of India of its own volition. Subsequent and repeated blunders, fully exploited by our enemies, have brought us to the present sorry pass. Of course, the situation in both examples cited has been complicated by their perpetrators by the settlement of members of the victorious ethnic or religious group in parts of the conquered territory. This has rendered extrication anything but simple, even with every good intention. This is a problem not faced in Kashmir.

The question before us in Kashmir today therefore is whether those blunders can be undone, and will that undoing at this stage help restore the confidence so mortally wounded. Even more important, will the continued denial of liberty in part of a nation, which can with justice pride herself on being among the world's freest, not pose a grievous threat to the survival of that liberty in other parts of the same entity.

Much has been written of Kashmir's accession to India. India's argument has been grounded in that accession. Similarly, the Pakistani case, our rival for hegemony, has been in questioning the legality, and now

even the veracity of that accession.[1] It is a fact that a Hindu maharajah of a state with a Muslim majority signed the Treaty of Accession. Pakistan has argued that the logic of Partition meant that the state had to be part of Pakistan.

Our own case has relied most heavily on its legal strength, of its having been in accordance with the India Independence Act, 1947, passed not by us but by Britain's Parliament. Neither case is grounded on the will of the Kashmiri people though here again our case is indeed stronger. But in arguing our case we have only now come to the realisation that, while the maharajah was indeed the signatory to the Treaty of Accession, there was pressure from his opponents within the state, namely the National Conference led by Sheikh Mohammed Abdullah with its strong support base within the Kashmir valley that the state opt for India. The maharajah's own preference as advised by his prime minister on the eve of Independence, Ram Chandra Kak, was that the state take advantage of a gray area in the India Independence Act, read with existing executive instructions, to opt for independence. Sheikh Abdullah was in fact imprisoned for his pains, released only under pressure from the then prime minister of India, on 29 September 1947.

Perhaps our own negligence in pressing this point arose from the first of our series of blunders, the dismissal and arrest of the Sheikh in 1953. This naturally precluded us from presenting our case on grounds of his support. But it remains the key to the moral correctness of that accession. In fact, the portion of the state where Pakistan had its strongest support at the time of its accession, lying across the Pir

Panjal and comprising Mirpur, is the portion where, by the cease-fire of August 1949, Pakistan retains control. This is what Pakistan calls 'Azad Kashmir' and India 'Pakistan Occupied Kashmir'.[2]

Nevertheless, whatever our legal right, the accession was more than 50 years ago. Does that right still hold through all that has happened since? Nations, much less democratic ones, may be created but not built as a result of legal decree alone. History has taught us that military strength in itself can secure only a transient unity. The will of the people, or at the very least their willing acceptance, must be the binding force of a nation, and as history again has taught us, when that will erodes, mighty empires will fall and democratic governance become but a pretense. The evolution of the Kashmiri will holds, to my mind, the key to understanding the problem of the state, and to help chart the course for the future.

India sent her troops into Kashmir because her people demanded it. After the mutiny in Poonch and rout of the state forces at Muzaffarabad by tribal invaders, it was only the volunteers of the National Conference who 'braved death in stemming the invasion,' giving time to the Indian forces to take positions defending Srinagar. Thereafter it was the local Forest Rangers, mostly Kashmiri Muslims, seconded by the Sheikh's emergency government who 'produced the most accurate information regarding enemy strengths, location and movements.'[3] India then took the case to the UN,

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1 Alastair Lamb, *Kashmir. A Disputed Legacy 1846-1990*, Roxford Books, 1991, pp 136-137.

2 For a detailed examination of the events leading upto the cease-fire and the reasons for the point of declaration, read Prem Shankar Jha, *Kashmir 1947, Rival Versions of History*, Oxford University Press, 1996

3 Lt Gen L.P Sen, *Slender Was the Thread Kashmir Confrontation 1947-48*, Orient Longman, 1969, pp. 36, 142.

and supported the resolution asking for a plebiscite under UNCIP auspices.[4]

She withdrew from this commitment in 1956[5] after Pakistan joined SEATO, but continued to hold elections, in none of which was secession an issue. It will of course be argued that Sheikh Abdullah, the leading political leader of the state, was debarred from many an election, that the state's Constitution had been promulgated in 1956 and remained unaccepted by his party, then the Plebiscite Front, and that therefore the Assembly was not representative of the people. However, the Sheikh-Indira Accord of 1975 restored political participation to all segments of the political spectrum in the state, which was effectively demonstrated in the Assembly elections of 1977, when the entire opposition united with India's ruling Janata Party to discomfit the Sheikh but was roundly defeated at the polls. Again in 1983, the National Conference, now with Farooq Abdullah at the helm, won the Assembly election, defeating the Congress ruling at the centre despite a vigorous, personal campaign by Indira Gandhi.

What happened thereafter is a sad story in the history of the state. In that period, not in the earlier years, lie the roots of the current crisis. Although Indira Gandhi had a clear perception of Kashmir's relations with India, and had said that results of any political recklessness in Kashmir would always be unpredictable, she allowed herself to be persuaded, against the advice of her uncle B.K. Nehru, Governor of the state, to concur in the sacking of Farooq's government. Perhaps

4. UNCIP Resolution: S/1110, Para 75, 13 August 1948

5. India, Parliamentary Debates, Lok Sabha, III, ii, Col 3747 (29 March 1956)

she had a game plan, but tragically did not live to play it through.

Rajiv, with every good intention, tried to remedy the situation in allying with the National Conference to strengthen the secular element of Kashmiri politics against what was perceived as a rising tide of extremism. But the Kashmiris saw the Rajiv-Farooq Accord of 1996 as a capitulation, particularly because it was not followed through with accelerated development which had been Farooq's hope, aware of the risk he had taken in entering into the agreement. Instead it was followed by an election in 1987, which the then Governor of the state subsequently declared to have been rigged, thus providing grist to the mill of Pakistani propaganda.

With the fall of the Rajiv Gandhi government in 1989, the incoming government reappointed that very Governor to the position from which he had in the meantime retired. This has been the subject of curiosity since the chief minister had already declared that he would resign if that appointment were made and ministers within the cabinet had advised against it. The Union home minister at the time, himself a Kashmiri, had however always despised the Abdullah family, opposed the Sheikh-Indira Accord, and resigned from the cabinet and the Congress Party in reaction to the accord between Farooq and Rajiv. And so, once more the future of the state and her people hinged on individual predelictions.

It is true that by this time Farooq had lost much of his support base. But the problem was still between the Kashmiris and their own government. With Farooq's resignation, Governor's rule was imposed, focusing the entire hostility against India.

It is little known that this period had also seen the rise of radical Islam,

motivating Rajiv Gandhi to seek a consolidation of secular forces under the Rajiv-Farooq Accord. The early '80s had seen the massacres in Nellie and Tsawalkhowa in Assam. Many of the clerics fleeing Assam had sought refuge in Kashmir which, virtually since the advent of Islam in that state, had lacked an educated clergy at the grassroots level. Recollect Abul Fazl's comment in his *Ain-i-Akbari* that the flame of Islam burned but feebly in Kashmir!

These clerics were given charge of several *madrasas* that had proliferated across the valley. Much of their bitterness would have transmitted to the impressionable minds in their charge. Many of their wards were now fiery young men. The '80s had indeed been an era of communal rumblings across the country. With the fall of the Farooq government it was not long before the Hizb-ul-Mujahideen edged out the Jammu and Kashmir Liberation Front which had initiated the insurgency, but now found itself the premier target of an organisation which had taken to the gun to press for accession to Pakistan.

The Union government under Narasimha Rao realised soon after taking office that there was little alternative to restoration of a government of the people of J&K. By the time the security and administrative environment was prepared for this however, the terrible sufferings endured by the people had made it necessary for them to be assured that those sufferings had not been in vain. It is today difficult, nay impossible, to cite a single family, which had not been forced to endure irreparable loss in those dreadful days immediately following the onset of violence. This had entirely quenched the thirst of much of Kashmir's impatient youth, abetted by their elders, who had admired what they

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perceived as their fighting spirit, to seek a speedy resolution of all real or imagined grievances by violent insurgency.

Those grievances, however, remained, and were hardly addressed under Governor's rule, preoccupied as that rule had been with quelling violence. Hence the refusal of the National Conference to participate in the Lok Sabha elections of 1996 without a watertight assurance from the Union government that it would be willing to consider 'restoration' of autonomy to the state. Hence also its decision to return to the electoral fold in the subsequent Assembly polls when it had received such an assurance from the then Government of India. With its resounding two-third majority in the ensuing Assembly elections, came new promise. Whatever became of that?

If the state had acceded to India of her own volition; if the years from that accession to the '80s had indeed been years of relative peace, disturbed only occasionally like similar disturbances in other parts of India; if above all, at the time of Partition, Kashmir had been the only part of the country where Mahatma Gandhi had beheld a ray of hope in the surrounding gloom – the answer to our question is vital. It is germane to the quest for peace that must be our concern.

The disaffection that had built up in the '80s had been based on the feeling among young Kashmiris, now widely educated and sturdy unlike their timid forebears, that there was no future for them in India. The media daily blared details of the disintegration of the Soviet empire. To Kashmiris, fed by further propaganda by interested parties within and outside the state, it was made to appear that this was but a rehearsal for what was to become of the Indian Union. But now, after years of suffering they felt betrayed by Pakistan. From that country had come offers to the JKLF of training, arms and funding in the initial stages. With the resignation of the Farooq government, enthusiastic parents, full of wishful dreams, lovingly dispatched wards decked like bridegrooms on buses claiming to be bound for POK, to pioneer the *jihad*.

Such was the laxity of security in a system riven with corruption in the first year of Governor's rule, that most of these young people actually received basic training and returned to precipitate the state and India into an unprecedented crisis. The local police, marginalised and under direct threat from the militants, virtually withdrew from counter insurgency and crippled the state with repeated strikes, culminating in a month long strike by all Kashmiri government employees in August 1990. Pakistan, feeling no doubt that the war was won, reneged from its earlier stand that it would support independence for Kashmir,[6] and set about weakening that oragnisation in favour of one that would demand accession to Pakistan. That was the Hizb ul Mujahideen.

Feeling betrayed by Pakistan and in retreat from India's security forces better able to handle the militancy under the directions of the army rather than the independent bumbling of the paramilitary forces, the people looked to Farooq's government as the best means of overcoming present traumas and working towards restoration of normal life. For India this presented an opportunity. Unfortunately, the Farooq government on its installation failed to address any of the issues that required to be addressed. New employment opportunities were indeed sought to be generated by creating

6. Speech by Prime Minister Benazir Bhutto of Pakistan in March 1990 on a visit to Azad Kashmir.

40,000 government jobs. However, in fact, these jobs were sold for a price, earning little gratitude.

The need was for the government to withdraw and create more economic activity with a self sustaining momentum. But no effort was made even to initiate a study on what needed to be done in that direction. In the meantime the bid to extirpate the remnants of militancy led to an uncontrolled increase in custodial killings. Public frustration only grew, expressed forcefully in the 1996 election by virtual public boycott. This message was sought to be brushed aside by projecting it, as has always been done so consummately in that state, as merely fear of victimisation by the militants.

To compound the distress, Pakistan's authorities, giving up on their Kashmiri surrogates, began accelerating the intrusion of professional terrorists trained in their country or in its neighbourhood, recruited from across the globe, but primarily in their own north and northwest. But it is useless to aver that infiltration is the sole, or even its primary, cause of the disaffection. In no other part of this country can such intruders function so without let or hindrance.

The fact that we choose to blind ourselves to is that the people of Kashmir look upon this as a war between India and Pakistan for their land, on which their own right stands extinguished. They have suffered at the hands of both. They will, therefore, depending on local considerations, side with that party which they find safer and more profitable. Many are prepared to play both sides. Many others, having come over to our side, continue with their newfound talents for extortion, rape and harassment of civilians, but as storm troopers of our armed forces.

The Kashmiris are left feeling that the world cares little for them if at all. That is perhaps the case, but with both India and Pakistan having gone nuclear, the world is concerned that peace be restored in any manner, notwithstanding the people's desires. But any such peace can only be a passing phase unless the people of Kashmir are enabled to finally find a life that they are entitled to simply by being a part of the human race. It was in response to this that the ruling party in the state finally, in early 2000, piloted through the state Assembly the State Autonomy Resolution, seeking to deliver on its basic election promise.

Speaking at the Woodrow Wilson Centre in Washington DC in 1999 on relations between Pakistan and the USA, Benazir Bhutto, in answer to questions admitted that her Kashmir policy was the worst mistake of her premiership. The issue had paralysed relations with India and hamstrung development within Pakistan, bringing nothing but suffering to the Kashmiris. Her roadmap: that trade and commerce be opened between India and Pakistan; that on the basis of the progress in that direction trade and commerce be opened directly across the LoC in Kashmir; that in the meantime the settlement of the international disputes regarding Kashmir be put on hold; and that only once life was restored to complete normalcy in the state and its environs, a move be made in the direction of holding a plebiscite.

This statement, while not giving up on the *mantra* of plebiscite, marks in fact a plea to return to the framework of the Shimla Agreement of 1972 between the then President of Pakistan and the Prime Minister of India. If this is the path adopted, with enhanced trade and commerce and unimpeded movement across borders, the appeal for plebiscite will wither away.

Benazir's views are hardly conclusive or even officially acceptable to either India or Pakistan. They do, however, highlight the readiness in that country to look afresh at an issue to which Pakistan is necessarily a party. There are two essential preconditions if this road is to be charted. Terrorism must stop in the state, and Pakistan's commitment to contain it must precede any further move. Even those avowedly in support of involving Pakistan in the deliberations for a settlement, including Hurriyat leaders, are in mortal fear of Pakistan's Inter Services Intelligence. It should be clear that if terrorism persists, the Indian Army must remain in force, hardly conducive to a vibrant economy. This also feeds Kashmiri resignation to being resident in what they see as an occupied state.

If India and Pakistan can agree to this limited commitment and abide by it, a framework for peace will emerge from among the people themselves. Second, governments in both parts of the erstwhile state of Jammu and Kashmir must allow freedom to their people, not merely by holding elections, but by withdrawing restraints and government's own monopolies in trade and commerce. Then a bid must be made to encourage investors the world over to seek business in forest-based industry, food processing, particularly temperate fruit, and the hotel industry, which could rival the best in the world. The effort by parties hitherto in using the economy to assert their authority in both sides of the erstwhile state has only fed the sense of separateness.

Increasingly, young persons in that state, Indian or Pakistani, have felt that that the only means of making a respectable living is by working abroad. While some of the foremost businessmen in the Middle East, UK and the US have their origins in and deep love for Kashmir, those left within the state are condemned to languish, yearning for but never reaching the fulfilment of their potential.

The question of autonomy, in any case a part of the growing need for decentralisation in the federal evolution of India, can then be considered, but should be in all parts of the state. All of India's states went through reorganisation in the '50s, which has strengthened India. Reorganisation of the state of J&K, which acquired its present borders to create a kingdom for the Dogras, need not now be a source of apprehension, if the people of the state so wish it. And if the parties concerned can bring themselves in due course to allow for an economic reunification of the restructured state, India and Pakistan can work together to ensure its viability.

All parties in the state's political spectrum would need to become part of this entity. The Government of India has expressed willingness to enter into dialogue with all parties within the state irrespective of their political commitments. The issue of a passport to Hurriyat leader Abdul Ghani Lone to allow him to participate in his son's wedding in Pakistan has been seen by him as a paradigm shift in government policy. The Hurriyat Conference has declared its willingness to be a conduit for finally working towards repair of the shattered relationship between India and Pakistan. This could be its window of opportunity.

Are these but straws in the wind? Time will of course tell. In any case the only way peace can be restored in Kashmir will be in placing its people at the centre of any agreement eventually arrived at,

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Sharing dreams

FIRDOUS SYED

AFTER the first few years of militancy, by 1992-93 or so, I had come to realise the futility and destructiveness of armed struggle as a means to achieve our ends in Kashmir. I had also seen through Pakistan's game, which was to exploit us for its own ends.

Once clear about both these issues I decided to come overground. This was in 1996. This single step, I was soon to realise, would alienate me from everybody in Kashmir. I was suddenly a pariah, even in my own family. Now everyone – my family, my friends, my comrades-in-arms – felt that I was a traitor to the cause. I was completely alone. But there was no going back to the path which, I knew, would lead only to the destruction of our whole society and everything we Kashmiris held dear; our very identity was under threat.

But what was the way forward? In those long, lonely years I could talk to no one of my own. But I did have time to read and to think, especially while I was in prison. I was also lucky to meet some people in authority – in the army, the administration, even some political leaders whom I found I could talk to – who heard me with compassion and respect and who did not humiliate me. But even here, I was being pressured to prove my credentials by taking to the gun, though on the other side now. This I refused to do.

For me the gun was out forever, whether in the left or the right hand. As a result the Indian authorities also held me in suspicion. They could not trust me. No one could trust me. I was completely isolated, a complete zero. But I was not the only one in this situation. There were others – tall leaders of the armed struggle – Yasin Malik, Azam Inquilabi, Sheikh Aziz, Shabir Shah among others.

These people too had realised that violence led to a dead end. Each of us was locked up in silence, despair, confusion about the way out of this dilemma. My search for answers continued. The fact that I had laid down arms did not mean that violence was at an end. What then was the next step? How was one to reach this message to people who were still in the grip of violence as the solution to the problem? And what was the way forward for them? To form a 'party' and issue statements against the Government of India or against human rights violations was easy. But it changed nothing. How was one to *act*, to intervene in civil society on the ground, so that together we could begin to turn the tide away from self-destruction towards something positive and life-giving rather than death-dealing?

Over time, I met some other people who helped me to think afresh and not to give in to despair. They gave me new hope and inspired me to take

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a new look at the problem. I was driven by the burning desire to find the right way to continue the struggle for dignity and self-respect, for peace with honour, for development and change in the conditions of the people. Merely to lay down arms was not enough. Merely to mouth *azadi* had no meaning. Now I began to see the way out of this impasse.

What was the content of this azadi we all wanted? I began to realise that if we wanted a free and democratic society, a secular and liberal society in which all of us could live in peace and without humiliation or oppression – and surely this in essence constitutes the 'azadi' we want – then was it not possible to make space for this azadi within the secular democratic traditions of India itself? This question had to be faced honestly. The slogans of 'Pakistan' or 'Azadi' or 'India' had to be examined much more closely and deeply. It was absolutely incumbent upon us 'leaders' to get beyond slogans and face the truth about what was in the actual interest of Kashmiris, and of Kashmiriyat which is our civilisational ethos and identity. If we wanted to find a way forward and out of the impasse all of us were in, then we had to examine all these questions very, very honestly; also have the courage of our convictions to declare our resultant stand openly.

It is not easy to face hard facts especially when these contradict popular illusions. We tend to speak in different tongues depending on who wants to hear what. I am convinced that if we could find the courage to say what is in our hearts today, almost everyone in Kashmir would speak as I do. But because of a total breakdown of trust, of communication, because of a fear of reprisals from the armed militants or the armed forces, people have driven their real feelings underground

and will not reveal themselves, even to one another. In this situation the easy way out is to go on perpetuating the status quo; it is easy to go on blaming everyone but ourselves. This is a good cover for our own paralysis. Some of us are quite comfortable with this situation, even while our people are in utter misery and despair.

For me, the logical next step was to join the NC. Of course this brought down even more scorn on my head. I was not only a traitor but an opportunist. In Kashmir, even today, it is politically correct only to slam India and to be pro-Pakistan. Journalists, human rights groups, Hurriyat, and so on think that by issuing statements, making speeches, writing columns only about human rights violations by the armed forces and the oppression of the Indian state or the corruption of Farooq Abdullah, they have done their job to keep the movement alive.

But what is this movement? It is a graveyard, nothing more or less. What hope does any of this give to the ordinary, suffering people? How does it strengthen them or rebuild their shattered lives? To me this is mere cynical, cowardly and irresponsible slogan-mongering. It brings some kind of cheap popularity, some kind of false credibility because it feeds the illusion that the fight is still on. But who is fighting and for what? This question must be answered. How many of us want to go with Pakistan? What do we want to do with our azadi? Who will it serve? Do we not have a responsibility to spell out these questions and answer them?

I will give an example of what I mean about slogan-mongering as opposed to action. Recently I went to meet a senior military officer regarding some urgent matters of violations by the armed forces. I did not make a hue and cry, but just sought an appoint-

ment. He gave me this readily and heard me out carefully. When I had finished he looked at me and said, 'I assure you these matters will be dealt with at once. I also assure you that if what you say is right then action will be taken against the offenders.' My sense is that this kind of approach rather than one of outright hostility and confrontation will get us further with the authorities. Otherwise their response tends to be either dismissive or defensive. This kind of experience has convinced me about the kind of action that is needed today. Action that will make a difference to ordinary people rather than grab a headline in the press or score political points.

For me it has become clear that I can find a meaningful azadi in a secular, democratic India. I feel that there is sufficient institutional maturity and stability in this country for us Kashmiris to fulfil our needs and dreams; to fight for peace and dignity, for the development of our people and our state, if we have the courage and the patience and the honesty to go out to our own people, to the villages, to the poor and downtrodden and the homes and families widowed and orphaned and destituted by the violence and conflict that has ravaged us for more than ten years; to help our people back onto their feet, and to give them courage and strength to make a new start; to revive civil society and its institutions. For this we urgently need the help and support of civil society in the rest of India. If we have the courage to actually work for our people instead of trapping them in webs of deceit and illusion, then together with them we can move towards what constitutes real and lasting azadi.

Once I myself became clear about these things, the question remained – how to act? When I discussed this with friends, I was asked,

'Can you bring some 15 people together, just to talk to one another? Can some of these come from all three regions of Jammu and Kashmir?' I said, 'Yes, I can do this.' And so started the process of the dialogue—between the different regions of Jammu, Ladakh and Kashmir, and between us and 'the rest of India'.

The first meeting, in Jammu last March, was the testing ground. I was so apprehensive that no one would come. When I went to the hall of the venue and looked at all those chairs, I said, 'Take some of these out, there are too many.' But I was amazed at the response we got. Many more came than I had expected. In Srinagar in June and again in September, the numbers were beyond all expectation. This has convinced me that this is an idea whose time has come. People are ready to listen to something new, something concrete and positive. Now I feel that I can dream again, for Kashmir.

Three years back, I went along with a documentary film group to a spot near the village of Drang, not very far from the tourist resort of Tangmarg. What followed left a lasting impression on me. While roaming around, we came across a few half-naked children with running noses, busy playing with some stones and sticks in the forest. On seeing us the children, who were five or six years old, suddenly started crying and shrieking for their mothers and ran towards a nearby mud house. Though we tried our best to calm them they wouldn't listen to us and with even louder shrieks they continued running for 'safety'. It was evident from their reaction that they were terrified of us.

Bewildered, we narrated this event to an elderly person from a nearby village. 'These children have never before seen people like you carrying all these strange things' (point-ing towards our denim clothes, the video camera and allied equipment), we were told. The conditions in our villages, where most of our people live, are so difficult, so tough and so untouched by modernity that a simple encounter with people like us from the city is enough to send the village children running for safety.

If this anecdote is any indication, it is beyond doubt that the biggest flaw with our development plans is that these have remained more or less urban-centred. The fruits of progress and development are either yet to reach sizeable chunks of the population living in the rural areas or the pace of development in these areas is so slow that that the gap between urban and rural life is just too big.

My dream is of a clean, healthy, developed, peaceful, modern village, where anything you want to happen happens—no more, no less, in the best of all possible worlds. Although the gold dust of fantasy very rarely makes the gold bricks required by reality, still it doesn't limit one's dreams. And if the aim is clear and directed towards the greater good, I have found that dreams automatically carve out paths leading to realisation.

William Ogburn in his famous theory of cultural lag points out that the uneven rates of change in different sectors of society gives birth to social stress. In fact it is this social stress that results in the sharp rural-urban divisions, which, if left unattended, festers into grievous social unrest. A peaceful and healthy relationship between the various sections and sectors of society is not possible unless there is an equitable distribution of opportunities for progress and development between all individuals and groups within society.

The village economy in Kashmir is much like that of the rest of the country, i.e., it is predominantly agrarian. The land reforms of the early fifties were a significant development as they liquidated serfdom and gave everybody some land. But very little was done subsequently in terms of the further emancipation and development of the rural people. Although an average villager owns a substantial portion of land which should have been sufficient to bring him economic prosperity, this has not happened. Rural people not only lack access to modern agricultural technology and knowhow but, given the lack of other socio-physical infrastructure, they remain mired in abject conditions of misery. Not only is clean drinking water a distant dream but the other basic amenities relating to health and hygiene, education, electricity, communication too are not available to them.

Unlike in the past, per capita income is no longer the yardstick for gauging the welfare of the people. Instead, it is the degree of access to basic facilities that determine developmental levels. For instance, in Kashmir today, though the people are ready to buy electricity, the government is in no position to sell it to them. Similarly, people can pay for better health facilities but the government is in no position to market these let alone provide them free.

I believe that if people are provided with basic civic amenities, it will automatically bring about changes in their mentality and attitudes which in turn will lead to the overall physical, social and psychological improvement of village society as a whole. Of course, this can only happen with the active cooperation and participation of the local population. For this what is needed is that the villagers be provided the necessary technical expertise and support so as

to coordinate their efforts and channelise the locally available talent and resources in a productive manner.

To begin with, if the dry lavatory system in the village is replaced with wet lavatories, this alone will bring about a marked change in the lifestyles of the people. In fact this change alone will trigger a series of events that will follow, supplement and complement each other in a sequential order. For instance, the introduction of a wet lavatory system necessitates laying down a network of pipes and taps for the supply of water. Once the taps are laid down, pure and safe drinking water will be available to the village. A drainage system and sewage management techniques will follow. This, besides bringing about a big change in the overall outlook of the village will also inculcate a better sense of health and hygiene among the rural folk. Similarly, when the drains are laid down, improved and pucca roads will also have to be provided.

Cattle-rearing is a major rural activity which can be developed on modern, scientific lines to improve not only overall productivity, but also in creating an environment-friendly attitude in the village people. If the village is provided with a few biogas plants, it will prove a great boon. Biogas, besides fulfilling the energy requirements of the village will also reduce the villagers' dependence on the forests for firewood and will thus aid in checking deforestation, a major ecological hazard today. These plants will also be of great help in solid waste management.

Human faeces and cow dung – two major pollutants in the village environs – will be effectively and productively managed through these biogas plants. Biogas will thus not only provide the village with cheap energy but will also supply quality manure. This will automatically minimise the farmers' dependence on expensive and toxic chemical fertilizers and aid in maintaining the fragile ecological balance of the environment.

Along with this infrastructural and economic development, education – the window to the modern world – will of course be a major thrust area. Not only will education at primary and secondary levels will be a prime focus, but the educated youth can be involved in adult literacy programmes so as to achieve total literacy in the village. Here again both technical as well as infrastructural assistance would be needed.

A small dispensary, manned by a specialist and the necessary paramedical staff, will go a long way in improving the health facilities of the village. In fact, this and the other facilities can be made available for nearby villages as well.

Most villages in Kashmir have a good network of canals and streams. These can be harnessed for the generation of electricity. For this, micro-hydel projects, much like those in vogue in China can provide the village the requisite power, thereby making it self-sufficient in electricity.

The entire valley, thanks to its climatic conditions, is amply suited for both horticulture and floriculture. And both these can be exploited to improve the economic conditions of the village. The latest horticulture and floriculture techniques can be introduced with the technical and infrastructural support of the relevant government departments and expert NGOs in the field. Cold storage, transport and marketing facilities can be organised on a cooperative basis to productively channelise the villagers' efforts in these spheres. For the B and C grade horticultural produce, which often goes waste, a jam and juice making plant could be set up. Similarly for floriculture products, refrigerated vans if provided, will benefit the growers immensely in transportation of their produce from field to market.

A community hall in the village will act as a nodal point from where all the activities of the village can be coordinated. It will act as a cultural centre as well as a meeting point for the villagers to deliberate over and discuss issues facing the village. A library and a reading room with the community hall will prove of immense help as through it the villagers can keep themselves abreast with the happenings of the world. The community hall will also have a STD facility, a community television set, and a small computer centre. The computer centre besides providing for access to the Internet and e-mail, can be used as a database for the village. Similarly, computer related know-how can be imparted to the interested students in this centre.

Our villages are rich in both natural as well as human resources. What is needed is a serious, concerted and continuous effort to coordinate and channelise the activities of the population in a positive direction. This is what will be attempted in the model village I dream of. U Thant, a former Secretary General of the United Nations, once said: 'It is no longer resources that limit decisions. It is the decision that makes resources.' Thus all we have to do is to assist and coordinate the efforts of the villagers and help them in making positive decisions. For this we have to offer them our trust and cooperation and lead them towards progress and prosperity. We have to give them the choice to decide for themselves between change and status quo. And once they decide in favour of change, the resources will follow.

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Towards a peace process

AMITABH MATTOO

IS there a way to start a peace process in Jammu and Kashmir? Is it possible for the central government to be able to initiate a course of action that could help create the conditions for durable peace in the state? After more than ten years of militancy, during which thousands of Kashmiris have been killed or displaced, it is my belief that it is still possible to kick-start such a process if New Delhi demonstrates unprecedented sensitivity, subtlety, imagination and foresight. An imaginative Kashmir policy rooted in what might be termed as ten commandments can still make a difference. The rest of this paper identifies and describes in some detail these commandments.

Commandment one: Kashmir is unique, and must be dealt with specially. Jammu and Kashmir's uniqueness is obvious for a variety of historical reasons recognised even by the Supreme Court. In 1984, in Khazan Chand versus the State of Jammu and Kashmir, the court unambiguously held that the state holds 'a special place in the constitutional set up of the country.' The 1983 Srinagar Declaration adopted by the Opposition conclave that included Jyoti Basu, Inder Kumar Gujral, Chandra Shekhar and Prakash Singh Badal stated that 'the special constitutional status of Jammu and Kashmir should be preserved and protected in letter and spirit.'

More important, however, is Kashmir's singular importance to the very idea of India, which is often forgotten. A Muslim majority state that voluntarily acceded to India in 1947 lent tremendous strength to the construction of India as a vibrant, secular and pluralistic state. The battle, therefore, to win back the hearts and minds of the Kashmiri people is critical not just for the recovery of the ideals that inspired Indian nationhood, but is central to the war against obscurantism and fundamentalism. In other words, Kashmir must no longer be dealt with the kind of political ineptitude and bureaucratic inertia that has often characterised the centre's policies towards many other states over the last decades.

Instead, the union government must take cognizance of the serious situation prevailing in the state and give it the attention it deserves. A special task force, which is constituted by the highest political authority of the country and enjoys its confidence and is dedicated full-time to Jammu and Kashmir, must be appointed immediately. The task force must be made responsible for initiating and furthering a political dialogue and monitoring and assisting in governance and developmental activities.

Commandment two: Autonomy must not be viewed as a dirty word, and an 'autonomous' Kashmir could become a model of cooperative federalism. Autonomy is about empowering people, making people feel that they belong, and about increasing the accountability of public institutions and services. It is synonymous with decentralization and devolution of power, phrases that have been on the charter of virtually every political party in India. In Jammu and Kashmir, autonomy carries tremendous resonance with the people because puppet leaders from the state colluded with the central leadership and gradually eroded the autonomy promised by the constitution. There is no contradiction between wanting Kashmir to be part of the national mainstream and the state's desire for autonomous self-governance.

Separatism grows when people feel disconnected from the structures of power and the process of policy formulation; in contrast, devolution ensures popular participation in the running of the polity. Bluntly put, autonomy is the only recipe for good governance in the 21st century. If autonomy weakened states, the United States of America would have disintegrated many decades ago. If this balance is struck, Jammu and Kashmir

could become a model of 'co-operative federalism', a special model that could be gradually applied to other states in the union.

Restoration of autonomy in Kashmir, however, does not require elaborate reports or reference to past agreements and accords. They obfuscate rather than clarify the issue of meaningful self-governance. Autonomy can be achieved in the state through a simple six-point plan. First, restore the nomenclature. The terms Sadar-I-Riyasat and Wazir-e-Azam, which were used until 1965 for the governor and the chief minister of the state, still have important symbolic value for people of the state. Literally translated the terms stand for head of state and prime minister. This nomenclature should be restored. In substance, this change will neither enlarge nor diminish the powers of the governor or the chief minister. This will also not lead to a shift in their order of precedence.

Second, give the state a role in the selection of the governor. According to Article 155 of the Indian Constitution the 'governor of the state shall be appointed by the President by warrant under his hand and seal.' Until 1965, the Sadar-I-Riyasat in Kashmir was elected by the state legislature, but it was clear that he should be a person acceptable to the centre and be appointed by the President. The governor is widely viewed in Jammu and Kashmir as an instrument through which the centre – and more often the political party in power – has furthered its interests in the state. The office of the governor, in whom the Constitution vests the executive power of the state should be above narrow partisan politics. The governor could be elected by the state legislature and be appointed by the President and, by virtue of Article 156(1), hold office at

the pleasure of the President. Or alternatively, the state government could submit a panel of names for the President to appoint as governor the person he finds most suitable from the panel. The appointee would hold office at the President's pleasure.

Third, prevent misuse of Article 356. This article deals with 'provisions in case of the failure of the constitutional machinery in states.' The misuse of Article 356 is a matter that has caused widespread concern in all the states. The matter is being considered by the Inter-State Council and some agreed modifications and safeguards might emerge. While some might argue that it would be imprudent and impractical to exempt Jammu and Kashmir from the purview of the article altogether (although the state was brought under its purview only in 1964), it is still possible to modify it significantly to prevent misuse without compromising on measures that might be needed to deal with real emergencies. In case of a constitutional breakdown, provisions should be made for holding elections within a maximum of three months, and for the appointment of an eminent persons group from within the state to review the situation in case elections cannot be held within three months because of violence or other disturbances. The verdict of the group should be final.

Fourth, give state services more authority and increase their quota in the All India Services. Part XIV of the Constitution which deals with the services did not apply initially to Jammu and Kashmir. But the provisions of Article 312 relating to All India Services were extended in 1958. Under the scheme, entry into the IAS and the IPS is both by direct examination and selection of promotees from the state civil service by the Union Public Service Commission. In most states the

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state quota has been around 33%, but in the case of Kashmir this has been 50%.

The bulk of direct recruits to the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Forest Service (IFS) are from just about 25 colleges/universities in India. There is reason to expect that, as elsewhere, with improvements in the quality of education in Kashmir, the number of direct recruits from the state will increase in the years ahead. Even otherwise, the Jammu and Kashmir selection quota (from within the state services) should be increased for a period of 20 years to 75% given the disruption that the educational system in the state has faced over the last decade. The Kashmir Administrative Services and the Kashmir Police Service have suffered severe neglect and marginalisation over the last decade. Part of the problem to has to do with training but it is critical that KAS and KPS officers are given promotions and positions of authority and have a career track similar to IAS and IPS officers.

Fifth, appoint a regional election commissioner for the state. The impartiality of the Election Commission has come to be gradually respected despite certain past electoral aberrations, particularly in Kashmir. However, it would be prudent if a regional election commissioner is appointed for the state as provided for in Article 32(4) of the Indian Constitution, to assist the Election Commission in conduct of elections in the state. This appointment should be made on the recommendations of the state government before each election.

Sixth, provide guarantees for the future. Many people genuinely feel that even if a package of autonomy is worked out, a future central government may, in collusion with state's political leaders, renege on an agreement that is made today. This is based on the past experience of the state's relationship with the centre. It is essential, therefore, that special constitutional guarantees are introduced to ensure that the state's autonomy is not eroded. It may be necessary, for instance, to introduce a provision in the Constitution, which would provide for a referendum in the state before any major amendment that would affect its ties with the union becomes a law.

Commandment three: The admission of mistakes is the first step towards restoring trust between New Delhi and Kashmir. Over the years, the centre has made a number of appalling mistakes in Kashmir. Several elections have been rigged, genuinely elected governments dismissed, puppet leaders installed, and, in the last decade, the ordinary Kashmiri has faced tremendous harassment from security forces. Some of these mistakes were avoidable, others inevitable given the complex situation on the ground. Admission of these mistakes will not be construed as an expression of guilt, but will signal recognition that fresh initiatives towards Kashmir will be based on an awareness of past mistakes and a genuine desire not to see them repeated.

Commandment four: The recovery of Kashmiriyat is vital to sustained peace. While there does seem to be a genuine, all-pervasive desire within the state to recover the social capital lost in the last decade, and to restore Kashmir's traditional society based on ideas of peaceful coexistence and the common syncretic identity of Kashmiriyat, the centre must make the recovery of this ethos central to its efforts to build peace in the state.

Commandment five: Ensure greater regional balance, but rule out a division of the state. There are powerful forces demanding a trifurcation of the main regions of the state – Jammu, Kashmir and Ladakh – into separate administrative units.

Posing as an imaginative solution, this demand, if conceded, could lead to violent social disruptions in the state and create a communal polarization that would not just irretrievably destroy the cultural and social fabric of the state, but have perilous consequences for communal relations in the rest of India. In addition, trifurcation would forever end the possibilities of reviving the plural traditions of communal harmony in the state that had once made it a symbol of the very idea of India: unity in diversity.

The demand for a division of the state, per se, is not new. The UN mediator Sir Owen Dixon had recommended a partition of the state in 1950, and elements within the Praja Parishad agitation of the early 1950s had also sought that Ladakh and Jammu be detached from the valley if full integration of the state was not achieved quickly. But, in its new avatar, several factors have coalesced to produce a potentially explosive situation. Most important is the widespread feeling within Jammu and Leh of deprivation as well as political and economic discrimination by politicians from Kashmir.

While this feeling of deprivation may have some grounds, it is being exploited by sectarian political groups who are demanding separate statehood for Jammu and union territory status for Ladakh. They argue that not only will separation from Kashmir ensure better governance, more economic opportunities and a greater share of political power, but Jammu and Ladakh will also be able to distance themselves from the militancy. In its most extreme form, ideologues of this demand suggest that it is in the

national interest to limit the 'area of operations' of the security forces to Kashmir, and that division will ensure that only one-sixth of the state will then remain troubled.

This logic is dangerous for at least four reasons. First, trifurcation will destroy the composite identity of the state, which has existed as one unit since 1846, and send a dangerous message to the whole nation. If Hindus, Muslims and Buddhists cannot live together in one state, can they do so in a larger entity? Second, it will most probably lead to a transfer of Muslims from various parts of Jammu, including parts of the city but also Doda, Rajouri and Poonch, assuming that the entire province is made into a separate state. Finally, it will lead to such deep communal polarization that bloody communal riots will inevitably follow. It is no coincidence that the only group in Kashmir that has supported the idea of the division of the state is the Jamaat-e-Islami.

Regional harmony, it should be clear from experience, cannot be ensured through partitions, but through a decentralization and devolution of financial and economic power that will treat the panchayat as the primary unit of governance. Jammu and Kashmir is not Assam or Uttar Pradesh where the carving of smaller states will provide for better governance; it is a recipe for disaster.

Commadment six: Ensure the return of the Kashmiri Pandits. The return of Kashmiri Pandits to the valley is vital for the revitalization of the traditions of pluralism and communal harmony. A visit to Pandit camps near Jammu indicates that there is still a deep desire to go back to the Kashmir, and that the values of Kashmiriyat are by and large still intact, even within those on the margins of the displaced community.

Pandits must be encouraged to come back to Kashmir for festivals, pilgrimages and other special occasions and adequate logistical and security arrangements must be made to ensure this happens. A dialogue between civil society leaders of Kashmiri Pandits and Kashmiri Muslims must be promoted and facilitated. The return of Pandits is essential for the revitalization of Kashmiriyat, and their return – on terms acceptable to them – must continue to be a top priority of the state and central governments.

Commandment seven: Ordinary Kashmiris must be viewed as neither militants nor separatists nor even as being enamoured by Pakistan. In Kashmir today there exists an overwhelming sentiment against violence, irrespective of its origin. Militancy may not be down and out, but it has lost a great deal of popular legitimacy. Indeed, there is virtually no enthusiasm or sympathy for the foreign militants. Reports that Afghans belonging to the dreaded Lashkar-e-Tayyba may be dominating the militancy has generated deep discomfiture in significant sections of the valley. Kashmiris have always had an uneasy relationship with the Afghans, rooted in the history of the tyrannical Afghan rule over the valley.

Similarly, there is an equally strong disillusionment with Pakistan. The political and social conditions prevailing within Pakistan have not gone unnoticed in the valley. The near total absence of a civil society, the deep ethnic conflict in Sindh and other areas, and the almost Orwellian control that is exercised in Pakistan-occupied Kashmir, has gradually left a deep impression on the Kashmiris. The coup by General Pervez Musharraf has strengthened the growing feeling in Kashmir that a country whose own commitment to demo-

cracy is so weak and imperfect can hardly be a real supporter of the democratic aspirations of the people of Jammu and Kashmir.

Commandment eight: A dialogue between the centre and the Kashmiris should be as inclusive as possible, and no group or individual must be considered untouchable. No conditions must be attached at the beginning of a dialogue. It is quite obvious that any negotiations the centre conducts can in no way compromise the unity and integrity of India. Even separatists realise this, but any explicit conditionalities make it difficult for many to take the initial leap from the streets to the negotiating table. Similarly, even militants who are willing to give up arms and eschew violence should be given a place at the negotiating table, as must representatives from minorities and different regions of the state.

Commandment nine: Attempt to revive the ceasefire. The few days of the ceasefire by the Hizb-ul-Mujahideen were greeted with enthusiasm all over the state. The centre must make an attempt to revive the ceasefire, even while it continues the fight against those who do not give up violence.

Commandment ten: A dialogue must not be for merely buying time or for transferring power to a new leadership, but for arriving at a modus vivendi that can ensure long term peace in the state. It is essential, therefore, that this dialogue is carried not through dilettante Track II wallahs, but by a specially constituted negotiating team that has the backing of the top political leadership of the country. A specially constituted task force, as earlier indicated, on Kashmir may perhaps be needed to carry out negotiations, as well as to address other pressing problems in the state.

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Debating autonomy

REKHA CHOWDHARY

'Until Jammu and Kashmir (and) Ladakh draw closer, settle their differences and agree to operate as equal partners, there will never be a stable basis upon which relations with rest of India can be satisfactorily tackled.'[1]

THE perception that the internal dynamic of the politics of Jammu and Kashmir has a strong bearing upon the relationship of the state with the Union of India has grown in recent times. As the discourse around the peace initiative takes shape and efforts are underway to address the alienation in the valley, it is clear that unless the political complexity involving the divergent political aspirations is rec-

ognised, and a consensus reflecting the varied political interests within the three regions of the state evolved, it may be difficult to pursue any political course in the state.

A reason for the failure of the National Conference to persuade the centre to consider the recommendations of the State Autonomy Committee (SAC) Report, was the absence of internal consensus within the state on the issue of autonomy. Aimed at mitigating the grievances of the people of Kashmir, the report did not find approval with the people in the Jammu region.

The issue of autonomy, as viewed from Jammu, has its specific

1 Balraj Puri, *Simmering Volcano Jammu's Relationship With Kashmir*. Delhi, 1983.

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parameters that need to be emphasised. On the one hand there exists the broad spectrum of responses that the context of the special status of the state has evoked in this region in the last 50 years. (These range from a general indifference to the idea of special status to a strong, vocal opposition). On the other, is the crucial context of regional autonomy. Both parameters are interlinked and emanate from two factors: first, the internal political dynamics of the state, especially the context of the inter-regional relationships and second, the very nature of the political discourse of autonomy that is rooted in the history of Kashmir.

The idea of conferring special status on the state failed to find broad support within the Jammu region. For those whose politicisation was influenced by the ideology of the RSS, this idea evoked negative emotions. In the urban Hindu dominated areas of the region, the Sangh Parivar created a dimension of regional politics around the demand for abrogating the special status of the state. The tone of this politics was set as early as 1952 when a major agitation was launched by the Praja Parishad, an RSS-supported regional party.

The main demand of this agitation (with the slogan 'ek vidhan, ek pradhan, ek nishan' or 'one constitution, one president and one symbol') was the complete constitutional integration of the state with India. Over the years, varied political organisations like the Bharatiya Jan Sangh, Bharatiya Janata Party, ABVP, Shiv Sena and so on, have nurtured this kind of politics. One can understand the vociferous opposition to the demand for restoration of autonomy to the pre-1953 constitutional position with reference to the political constituency created by this politics.

Yet, the opposition to the idea of autonomy has not merely been a result of the ideological influence of the RSS; it also lies in the internal political dynamics of the state. There exists a strong perception that the region is discriminated against in matters related to the allocation of developmental funds, provision of educational facilities and employment in government services.

Acknowledging the regional irritations and tensions, the Gajendragadkar Commission of Enquiry appointed by the government in the mid-60s to comprehend the causes of inter-regional tensions and irritations had observed that Jammu nurses a strong feeling of discrimination. According to the commission, this was due to the absence of a feeling of equal participation in the integrated development of the state.[2]

It is this sense of discrimination and exclusion that has resulted in regional discontent. The feeling persists that decision-making in the state is regulated by 'pro-Kashmir' preferences which, in turn, arouses strong public emotions. In the last five decades there were many occasions when such emotional public response took the form of major or minor agitations. Underlying these was the perception that Kashmir got a larger share of the cake in the distribution of resources or development funds; that the genuine demands of Jammu were unjustly dealt with. Some long-pending demands, like carving out more districts in the region (or legislative constituencies), were deliberately undermined in order to maintain the dominance of the Kashmir region.

Such feelings of deprivation and discontent had their roots in the exist-

2. Report of Gajendragadkar Commission of Enquiry, November 1965, p 7.

ing asymmetrical power relations between Jammu and Kashmir. The politics in the state was so structured that Kashmir occupied a large political space, keeping Jammu virtually deprived of political power. Giving primacy to the political deprivation of Jammu over economic and developmental deprivation, the Gajendragadkar Commission had suggested remedial measures to reduce tensions arising out of a disproportionate distribution of power between the two regions. It had recommended that 'a convention should be established that if the chief minister belongs to one region, there should be a deputy chief minister belonging to the other region. By another convention, the number of cabinet ministers belonging to the two regions should be equal.'[3]

The political imbalance led to a demand for an internal devolution of power within the state. This demand, commonly referred to as the demand for regional autonomy, has gained ground in recent years. During the 1996 Assembly elections the demand acquired such strong public support that all political parties, across ideological lines, were forced to incorporate it in their electoral manifestos.

Despite regional issues being the locus of Jammu's politics, the discourse of 'state autonomy' as pursued by the National Conference did not include the local sensibilities of this region. If anything, this discourse was perceived to be 'Kashmir-centric'. A popular view in Jammu saw the issue of state autonomy as primarily reflecting the political response of the people of Kashmir, as one unconnected with the political aspirations of the people of Jammu. The reason why this view dominated the public mind in Jammu was because the NC located

3. Ibid, pp 84-85.

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the issue of state autonomy in the historical context of the formation and assertion of the political identity of Kashmir. It was rooted in the freedom movement of Kashmir and centred around the basic issue of the commitment made by the Indian leadership to the political elite of Kashmir at the time of accession.

Apart from its Kashmir-centric orientation, the autonomy discourse of the NC was seen as flawed because it overlooked the issue of regional autonomy. The issue was not reflected in the Report of the State Autonomy Committee (SAC), which sought merely to 'recommend measures for restoration of autonomy to the state of Jammu and Kashmir.'

An analysis of the National Conference approach towards the issue of state autonomy, as well as a reading of the SAC report, shows that the idea of internal devolution of power was not intrinsically connected with the question of state autonomy and did not logically flow from it. The SAC refered to the 'mosaic of diversities in its regions, groups and communities' and acknowledged the duty of the state to protect minorities and regional interests, but it did not go into the intricacies of the question of diversities. The question of diversities and regional interests was referred to another (lesser) committee – the Regional Autonomy Committee (RAC).

The failure of the National Conference to incorporate the issue of internal autonomy in its discourse on state autonomy impacted the political response of the Jammu region. For all practical purposes, this was read as indifference towards the political aspirations of the people of Jammu (and Ladakh). Such indifference, it was felt, emanated from a concern to keep political power centralised in

the hands of the political elite of Kashmir. This concern of the party, it was argued, was equally reflected in its hesitation to respond to the idea of grassroots democracy.

There have been no panchayat elections in the state in the last 23 years. Worse, even as the state government expressed its willingness to announce elections, it shied away from the task of fully empowering the panchayats. The state has a retrograde panchayat act with a number of provisions that ensure the control of the government over the panchayats. Despite a demand to bring this act at par with the 73rd and 74th amendments to the Constitution of India, the state government has refused to delete the provision for the nomination of a large number of members.

The nonchalant attitude of the NC towards the issue of internal devolution of power led to a general feeling of scepticism in the Jammu region. Such scepticism only increased in recent years as a result of the negative approach adopted by the Regional Autonomy Committee towards Jammu's demand for regional autonomy. The terms of reference of this committee were to 'evolve instrumentalities like local organs of power to promote better involvement and participation of people in different regions for balanced political, economic, educational, social and cultural development.' Also, 'to examine the powers that such organs need to be vested with' and to suggest changes in the constitutional structure of the state in this context.

But rather than suggest a mechanism for guaranteeing regional autonomy, the committee denounced the very existence of Jammu as a region. Using historical, ethno-cultural and developmental explanations, it argued that 'Jammu is heterogeneous – cul-

turally, linguistically, ethnically and geographically' and that it never existed as one region, segregated as it was into diverse regions, each of which could be considered an independent entity with its 'distinct history, language and cultural identity'.[4] It, therefore, recommended a reorganisation of the existing region into three autonomous regions, viz. Jammu (Jammu, Kathua and Udhampur districts excluding Mahore tehsil); Pir Panchal (Poonch and Rajouri districts) and Chinab valley (Doda district and tehsil Mahore).

Such reorganisation of Jammu, perceived by many to be communal (as it seeks to separate the two Muslim dominated areas of Doda and Poonch-Rajouri from the Hindu dominated areas of the region), was seen as a NC tactic to stall the process of internal devolution of power. This involved placing the sub-regional claims arising out of discontent of the peripheral and backward areas within the Jammu region against its regional claims.

The sub-regional discontent in Jammu is a reality that further indicates the complexity around the issue of autonomy and internal autonomy within the state. Such sub-regional discontent grew as a result of the backwardness of the peripheral areas of the state. The Gajendragadkar Commission had noted that 'within both Jammu and Kashmir regions there are certain pockets which have remained much more backward than the rest of the region... these areas deserve special attention and the governments should address themselves urgently to the task of developing them speedily.'[5] Despite this warning, little was

4 Report of the Regional Autonomy Committee, April 1999.

5. Report of Gajendragadkar Commission of Enquiry, p. 42

done by successive governments to tackle the problems of the peripheral areas.

An acute sense of discontent in the areas of Doda, Poonch and Rajouri led to a process of politicisation and assertion of competitive identities. Although much of the discontent arose from a resentment against the Kashmir elite for monopolising power and neglecting development of the backward areas, there was also resentment against the Jammu elite for not highlighting the backwardness of the region.

It may be pertinent to note that Jammu's dominant elite (comprising mainly of the urban, middle class, upper caste Hindus), while projecting the issue of regional discrimination, failed to focus on concerns about the backwardness of these peripheral areas. The issues relating to primary education, health facilities, development of roads and the like, which represent the interest of these peripheral areas, failed to find a voice in Jammu's regional politics.

Viewed from this perspective of sub-regional discontent, the autonomy discourse acquires a different flavour. Neither the discourse of state autonomy nor that of regional autonomy are sufficiently comprehensive to deal with questions of sub-regional deprivations. What is required is a multi-layered structure of autonomy that must flow from the state to the region and from the region to the sub-regional and finally to the panchayat level. Conscious of the complexity of the underlying problems of discontent at regional and sub-regional levels, Balraj Puri, in his alternate report on regional autonomy,[6] had recom-

mended a five tier system that included devolution of power from state to region to district, block and panchayat level. The political, legislative, executive and financial powers and functions of each tier, he felt, should be carefully spelt out and constitutionally guaranteed.[7]

Such sensitivity to the complex realities of the state, particularly at the regional and the sub-regional levels, was unfortunately missing in the official Regional Autonomy Committee report. Instead of acknowledging the multi-layered political aspirations within the state and underlining the need to extend the logic of political autonomy from the state to regional and sub-regional levels, it merely foregrounded sub-regional aspirations and totally ignored the question of Jammu's regional discontent.

Arguing that the recognition of 'culturally, linguistically, ethnically and geographically' heterogeneous Jammu as a region hampered the process of social and human development of ethnic groups and democratic participation at the grassroots level within the state, it suggested recognising Poonch-Rajouri and Doda as autonomous regions. Such a process of identifying new regions, in its opinion, was the only way to deal with the 'perception of neglect and injustice, real and imaginary, existing among groups in the diverse regions of the state.'[8]

This approach caused immense resentment. A common feeling expressed was that there existed no scope for redress of regional grievances in the autonomy discourse pursued by the National Conference. A political response, therefore, is being generated in the region that has the

potential of taking an extreme form. This relates to the demand for reorganisation of the state and its division into three parts – with Jammu acquiring the status of a state and Kashmir and Ladakh acquiring the status of Union Territory. Commonly referred to as the demand for 'trifurcation of the state', it is being voiced on the ground of divergence of political aspirations between the regions of Jammu and Kashmir.

It may be important to note that the demand for separation of Jammu (and of Ladakh) from Kashmir is an old one and has been voiced from time to time, though so far it has remained peripheral and innocuous. However, more recently, especially after the recommendations of the RAC were made public, it has become more strident and seeks to occupy the centre-stage of Jammu's politics. A number of new groups have been formed which seek to take advantage of the people's disillusionment with the National Conference's approach to the issue of regional autonomy. The RSS has taken a public posture in its favour and local BJP leaders have shown their willingness to support it.

The politics of 'trifurcation' has the potential to polarise Jammu on communal lines. This politics, it may be noted, represents the same constituency that perceives the special constitutional status of the state as a concession to the Muslims of Kashmir and demands its abolition. With the RSS clearly behind this new politics, such a demand is bound to alienate the Muslims of the region. In terms of intra-regional relationships, it is likely to create a schism between the Muslim dominated districts of Doda and Poonch-Rajouri on the one hand, and the Hindu-dominated areas of Jammu, Kathua and (a part of) Udhampur on the other.

6 Balraj Puri was initially appointed the working chairman of the RAC but was later dismissed. His report was subsequently published in the form of a book.

7. Balraj Puri, *Regional Autonomy Committee A Report*, Delhi, 1999.

8 Report of the Regional Autonomy Committee op cit.

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The political reality of the state of Jammu and Kashmir is marked by heterogeneity and divergent political aspirations. It calls for a politics that not merely recognises the plurality of the state but also devises suitable political mechanisms for handing such plurality. Yet, instead of sensitivity to the complexity and plurality, the present political scenario of the state reflects a tendency to seek simplistic solutions through the means of divisive politics.

Both the issues of regional and sub-regional deprivation are sought to be addressed through solutions based on communal considerations — division of the state in the first case, and that of the region in the second. Unfortunately, there exists a circular relation between these two kinds of politics with one reinforcing the other.

Such divisive politics is fraught with danger and therefore needs to be countered. However, without addressing the discontent at the root of such divisive politics, this will be difficult. For taming these political emotions, 'autonomy' could have been a useful political mechanism. It could have removed the basis of inter-regional tensions and helped to build a consensus in favour of autonomy for the state. However, the National Conference failed to appreciate the complex political realities of the state, especially at the regional and the sub-regional levels and its politics of autonomy has proved to be counter-productive. Rather than inspire confidence among the various regions and identities, it has only increased the gulf between them.

There is a need, therefore, to redefine the very context of autonomy to make it relevant for the different regions, sub-regions and identities. **42** Otherwise the divisive politics currently at play may destroy the plural fabric of the state.

Beyond mutual destruction

EQBAL AHMED

DIPLOMACY does occasionally wear a farcical look but nowhere more often than in South Asia. During bilateral talks in 1993, India and Pakistan exchanged carefully drafted position papers. These were called 'non-papers'. An American academic, Stephen Cohen, has followed in this tradition. He is the author recently (1996) of a non-plan, labelled the Cohen Plan. It is the subject currently of much interest in Islamabad which has, to the best of my knowledge, not given any thought to a plan of peace with India.

Cohen's is an outline not for a settlement of disputes between India and Pakistan but for U.S. sponsorship of a 'Camp David process'. It offers no clue to American or even the author's thinking on the principles that may guide the agenda of this process. It merely argues that the climate for an American initiative is favourable, that peace-making in South Asia will be less expensive for the United States than was Camp David which entailed

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large aid to Egypt in addition to the hefty billions Israel receives from the U.S., and that it will require patience, bipartisan consensus, and a well-reputed American mediator.

The closest Cohen comes to revealing the substance of the initiative he recommends is his model of the Camp David Accord. He deems it, as most American policy analysts do, a great success. But was it? Surely, by removing Egypt from the rank of frontline Arab states, it rendered unthinkable an Arab war against Israel. By the same token, Arab states and people became the objects of Israel's ambition and aggression. It was after Camp David that Israel invaded Lebanon, killing 30,000 civilians, maiming thousands more, destroying its ancient villages, towns, and the capital city Beirut where Israeli forces oversaw the Falangist massacre of Sabra and Shatila. A portion of Lebanon remains under Israeli occupation, the site of weekly killings and dying, a monument to Camp David.

The Palestinians – who are the core of the Arab-Israeli conflict as the Kashmiris are to the Indian-Pakistani conflict – fared even worse after Camp David. The United States pretended to an arbiter's and guarantor's role; in reality it was on Israel's side. When negotiations between Anwar Sadaat and Menachem Begin deadlocked

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over the question of unlawful Zionist settlements in the West Bank and Gaza, Jimmy Carter staked his presidential prestige to assure Sadaat that Israel would not establish more settlements. The ink had not dried on the Camp David Accord when Begin announced the establishment of new settlements. Jimmy Carter protested, verbally and in vain. While massive U.S. aid continued to pour into Israel, it expropriated nearly 60% of Palestinian land and all of its water resources. The augmented harshness of the occupier rendered life well nigh impossible for the hapless people of the West Bank and Gaza. Dispossession on a large scale was one outcome; the outbreak of the *intifada* was another.

The Camp David Accord is viewed, not incorrectly, as the foundation stone of the Oslo and Cairo agreements between Israel and the PLO. Officials no less than most journalists and scholars in the United States have been offering these as first steps toward Palestinian statehood. I, among others, have argued that Oslo is liable to yield not a Palestinian state but a state of apartheid in the Middle East. Its outlines had already emerged under Yitzhak Rabin and Shimon Peres, though both prime ministers were viewed in Washington as apostles of peace.

Two distinct humanities live in Israel and under its occupation – one Jewish, the other Arab. One enjoys full citizenship rights, the other does not. One claims sovereignty, the other is denied it. One controls the land and its resources, the other does not. They live in separated spaces, the one as a free people, the other as a besieged people. These realities become uglier and more complex as new roads, public facilities and institutions are constructed with American aid. They create new facts of apartheid and ine-

quality. It's an awesome tribute to the power of belief that perfectly normal scholars, like Professor Cohen, offer Camp David as a successful model.

As Washington shows interest in midwifing an India-Pakistan agreement, Pakistan's policy-makers – where are you ...where? – ought to reflect on Camp David's example No two histories are similar, yet analogies help analysis. Egypt and Israel went to war thrice in three decades; so did India and Pakistan. Palestine served as a major bone of contention in the Middle Eastern conflict as Kashmir does in South Asia. As Pakistan has over four decades, Egypt expended much energy posturing about resistance and liberation while ignoring Palestinian right to representation and paying scant attention to a changing world environment. As frustrations piled over failures, Egypt put all its eggs in the American basket. 'Ninety per cent of this problem can be solved by America,' Anwar Sadaat was fond of saying. Pakistan has been inviting third party mediation for some time. As a ploy to engage the sympathies of others it has not worked. It is unlikely to serve as a mechanism to obtain even a modicum of justice for the Kashmiris, or peaceable Indo-Pakistan relations. Rather, American mediation may harm Pakistan as it harmed the Arabs.

The United States' interests in South Asia are those of a great power, largely economic and part strategic. Moral issues of human rights and self determination play but a minor role in policy-making. It is self-defeating to get distracted by Washington's professions of virtues and neutrality. Realistic analysis would suggest that in the role of mediator, the U.S. shall be keen to bring about peace in South Asia while favouring India over Pakistan, and the two states over the stateless

Kashmiris. Consider, among other factors, the following:
India is a large market roughly eight times larger than Pakistan; this ratio is reflected in the current volume of American investments in the two countries. It is many times more endowed in natural resources than Pakistan. Also, India is better positioned for rapid economic growth by virtue of educated manpower, infrastructure, and standards of skill and literacy. Strategically, it is a large and populous country, in important respects a counterpoint to China. As a post-cold war structure of international relations emerges, the United States seeks balancing mechanisms to strike a favourable equilibrium in its relations with China. India can serve this purpose better than any other country in Asia except Japan. For these reasons, Washington has to be more keen to insure the goodwill and stability of India than of Pakistan.

Nations, realists are fond of reiterating, do not have permanent friends, nor permanent enemies. They only have permanent interests. During most of the cold war years, the United States government saw political Islam as its ally and an adversary of communism. Today the reverse is true; it views Islamic movements the world over with deep distrust and active hostility. Between 1989 when Kashmir's powerful nationalist insurrection began, and 1992 when it developed an Islamic character with Pakistan's help, America's intelligence services supplied their policy-makers an alarming picture of militant Islam emerging in the strategic Kashmir valley with Pakistani, Afghan, and Iranian involvement. This impression of Kashmiri resistance has been reinforced by the proliferation of a score of armed Islamic groups in Kashmir.

Like all paramount powers, the United States is a status quo power. In areas of its interest and influence it favours stability over change. Kashmir's liberation movement has been increasingly perceived in Washington as a destabilizing force in South Asia, especially if it makes significant gains toward its goal of total separation from India. They see the Jamaat-i-Islami and Jamaat-ul-Ulema'i Islam gaining legitimacy, popularity, and armed strength from their role in Kashmir, thus changing the comfortable current balance in favour of temporal parties of Pakistan. In India, Kashmir's separation can only aid the militant Hindu parties which have arrived perilously close to power. Above all, Kashmir's separation is likely to worsen India's tense communal environment; the BJP and its partners may ride the anti-Muslim wave. 'We cannot afford,' a Washington insider remarked some months ago, 'Bosnia on a grand scale.'

For these and more reasons, Pakistan will be wise to encourage U.S. interest while declining its mediation in our relations with India. Thanks, but no thanks! Islamabad's challenge is to explore other, better options. Unfortunately, it does not appear poised to meet it.

A lasting peace between India and Pakistan remains, nevertheless, an urgent necessity. Hostility between the two will continue to distort the political and economic environment of both countries, inflict upon their inhabitants the augmenting costs of subversion and sabotage, inhibit regional cooperation, and force more than a billion people to live perpetually under the menace of nuclear holocaust.

Indian-Pakistani disputes over Siachin and Wuller Barrage are easily resolvable; in fact, the basics of agreement over these two issues have already been reached in bilateral talks.

Kashmir is the primary source of conflict. It has outlasted most post-world war II conflicts – the cold war, war in Indo-China, the American-Chinese confrontation, South African apartheid, and the Israeli-Arab conflict. Three full scale wars, frequent armed confrontations along the India Pakistan border, years of Kashmiri uprising and Indian repression, and the beleaguered Kashmiris' enormous sorrows, have not induced either India or Pakistan to shift from their positions.

Delhi declares the matter settled, claims that Kashmir – under its occupation – is an integral part of India, regularly denounces and occasionally threatens Pakistan for its 'interference in India's internal affairs,' and has been trying for years to put down Kashmiri resistance – mercilessly, without pity, and in vain. Islamabad insists that Kashmir is an unresolved international dispute, and it must be settled by a plebiscite as originally envisaged by a U.N. Security Council Resolution of over fifty years standing.

Neither position is sustainable. Pakistani and Indian decision-makers will serve their countries well if they concede to the realities sooner rather than later. One, a military solution of the Kashmir dispute is not possible. Two, it is equally difficult to envisage, as India does, a unilateral political solution. Three, while the United States has a stake in peace between India and Pakistan, neither the great powers nor world opinion will make a decisive contribution toward resolving this conflict. Four, direct negotiations offer the only effective path to a peaceful solution. However, meaningful negotiations are not possible without Kashmiri participation. Hence the most sensible way to resolve the dispute is tripartite negotiations involving Pakistan, India, and a representa-

tive Kashmiri delegation. Direct negotiations do not preclude a facilitating role for the United Nation's or the United States. A discussion of these points follows.

Three models may be envisaged for a military solution: a conventional Indo-Pakistan war, the Kashmiri war of liberation ending like Cuba, Algeria or Vietnam, and protracted guerrilla warfare followed, as India achieved in East Pakistan, by a decisive Pakistani military coup de grace. To a student of military strategy all three options would appear unrealistic. For differing reasons neither Pakistan nor India are likely to win a conventional war. It shall, nevertheless, be unbearably costly to both countries. If perchance a decisive outcome appeared likely, nuclear weapons will surely enter the scene, resulting at best in an inconclusive cease-fire or, at worst, in a continental holocaust.

Military leaders in both countries share this estimation of the military balance and international environment. Barring the odd hawkish officer, they do not favour a full scale military confrontation. That leaves the option of low intensity warfare. In Kashmir, India is engaged as an incumbent; Pakistan supports the insurgency. It also happens in wars of incumbency and proxy that rivals hit each other with sabotage and subversion.

This Kashmiri uprising has lasted more than a decade, long enough for observers to discern its ramifications, possibilities and limitations. India and Pakistan exchange accusations against each other on a regular basis. Since 1990 the two countries have engaged in a carefully calibrated war of proxy and subversion which has done both sides much harm. In the process, an estimated 40,000 Kashmiris are dead, and many more

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wounded. Kashmir's economy has been wrecked, and an entire generation of Kashmiris has already been deprived of normal upbringing and education. Yet, armed struggle and Indian repression have not brought Kashmiris closer either to self determination, which is Pakistan's demand, or to pacification, which India seeks. In fact, both countries are farther from attaining their goals in Kashmir than they were in 1989.

Kashmir's discontent is rooted in history, economics, politics and psychology. The causes and dynamics of the Kashmiri movement lie in Kashmir and its experience with India. It is not a product of plotting and subversion by Pakistan. As such, it can not be suppressed by force. Nor is it likely to be managed by electoral manipulations. Yet India has confronted the insurgency as incumbents normally do – with a combination of brute force, unlawful subversions, violations of Kashmiri humanity and, above all, denial of reality.

In the last analysis, the successes and failures of counter-insurgency operations revolve around two questions: One, does the incumbent state enjoy at least residual legitimacy among the insurgent people? Two, is the incumbent power willing to accommodate those aspirations which converge to cause and sustain the insurgency? I have asked these questions twice before. Once in 1965 in relation to America's war in Vietnam. Again in 1971 concerning Pakistan's military operation in East Pakistan. For India too the answer to both questions is NO.

A rational approach to Kashmir shall elude India as long as its leaders are unable to confront this reality. The price of avoidance may not be for India the kind of military defeats which the United States experienced

in Vietnam or Pakistan suffered in its eastern wing, now Bangladesh. Yet, one can say with confidence that if India, Pakistan, and Kashmiris do not reach a mutually beneficial settlement, the protracted war among the three will continue, with lulls and heats. Its costs may be even greater in the future than the hapless peoples have already paid.

India's allegations notwithstanding, Pakistan had little to do with the insurgency which emerged full blown in 1989. In fact, Islamabad's military no less than civilian intelligence services were surprised by the intensity and scope of the uprising. It was united by and large behind a single organization, the Jammu Kashmir Liberation Front, which had most of the attributes of a winning young movement.

The great powers, especially the United States, have not evinced any interest in supporting Pakistan's position which is legally and historically well founded. Islamabad has expended much effort and resources in trying to mobilize international opinion. In effect, lobbying for Kashmir has provided since 1989 the framework for hundreds of Pakistan's ministerial, parliamentary, and other international junkets. None of these have had any discernible impact. Even the United Nations and its Security Council, whose authority Pakistan invokes quite assiduously, have shown scant interest in the matter. An analysis of years of Pakistani effort to mobilize meaningful international support for its position on Kashmir suggests that neither the great powers nor international opinion are inclined to weigh in meaningfully on Pakistan's or the Kashmiri resistance's side.

India has lost Kashmir. Delhi's moral isolation from the Kashmiri people is total and, I think, irreversible in the

sense that in order to reverse it India will have to envisage a qualitatively different relationship with Kashmir. But can India's loss translate into Pakistan's gain?

My answer is no! There is an inclination among policy-makers to believe otherwise. This is not unusual. It is common in international relations for rival countries to view their contests as a zero sum game whereby the losses of one side would translate into gains for the other. The American intervention in Iran (1953), and its costly involvement in Vietnam (1956-75), were compelled in part by this outlook. The Soviet interventions in Hungary (1956), and Czechoslovakia (1968), were similarly motivated. History has repeatedly exposed this assumption to be false. The ratio of rival losses and gains is rarely proportional; it is determined by circumstances of history, politics, and policy. India's Kashmir record offers a chronicle of failures; yet none of these accrued to Pakistan's benefit. Rather, Pakistan's policy has suffered from its own defects.

Three characteristics made an early appearance in Pakistan's approach to Kashmir. One, although Pakistani decision-makers know the problem to be fundamentally political, beginning in 1948 they have approached it primarily in military terms. Two, while the military outlook has dominated, there has been a healthy unwillingness to go to war over Kashmir. Three, while officially invoking the Kashmiri right to self determination, Pakistan's governments and politicians have pursued policies which have all but disregarded the history, culture, and aspirations of Kashmir's people. One consequence of this is a string of grave Pakistani miscalculations regarding Kashmir. Another outcome has been to alienate Kashmiris from Pakistan at

crucial times such as 1948-49, 1965, and the 1990s.

The question asked at the beginning remains largely unanswered: Has India's loss translated into Pakistan's gain? Another question needs to be asked: if both countries are failing in Kashmir, what next?

A reminder is useful: in the 20th century armed struggles have failed more often than they have succeeded. In the 1960s, no less than 45 armed uprisings were in progress; six of these could claim success. A few, including the Kurdish, Irish, Timorese, and Filipino movements are still active. Their longevity suggests that while success may not be assured an armed uprising can endure or keep recurring if the aspirations on which it feeds are not addressed. A review of the Kashmiri movement suggests that it is falling in this latter category.

Popular support is an essential attribute of success. To win, consolidate and maintain it is the greatest single challenge of an armed movement. To deny it popular following, drive wedges between it and the people, and reclaim the hearts and minds of the populace constitute the primary objectives of incumbents. This is one requirement the Kashmiri movement fully meets. As I argued earlier, India's federal government has lost all semblance of legitimacy and support among Kashmiri muslims. It's moral isolation appears so total that it is unlikely to regain even a modicum of legitimacy without conceding in a large measure the Kashmiri aspirations which have converged around a single slogan – Azaadi.

That slogan, Pakistan's policy-makers and Pakistani partisans of Kashmiri struggle ought to acknowledge, translates as sovereignty for Kashmir. There exists among Kashmiri speaking people but little enthu-

siasm for a plebiscite which would confine them to exchanging life under Indian sovereignty for life under Pakistan's sovereignty. It is only a rare Kashmiri – I found none among the dozens abroad or scores I have interviewed in Pakistan – who views Kashmir as an 'unfinished agenda of partition.' In the U.S., a Kashmiri academic from Srinagar asked: 'East Pakistan has violently separated from the west. The Muslim nation of the Qaid-i-Azam is now divided into three sovereign states. So what unfinished agenda of partition are we Kashmiris required to complete?'

Unity is essential to success. But unity is rarely total. The Chinese, Algerian, Cuban and Vietnamese movements confronted divisions, but in all four countries one party and leadership commanded hegemony over the others. At the start, the Kashmiri movement had the appearance of fulfilling this requirement. Soon after, the proliferation of parties began and became epidemic. There are no less than thirty-eight armed parties in the valley. Thirty of them are grouped in the All Party Hurriyat Conference, a welcome umbrella all but paralysed by differing ambitions and styles.

Increasingly, the valley has become a free-for-all environment in which the distinction between crime and militancy has been blurred. The atrocities of the 'reformed militants' are credited obviously to India's account. But it is also true that the excesses of other groups reflect on the standing of the movement as a whole. Pakistan is viewed as the purveyor of internal divisions as some parties and positions are known to be favoured by Islamabad while others are not. In growing numbers Kashmiris are beginning to regard themselves as dually oppressed.

Clarity and consistency of ideo-logy and objectives are the third essen-

tial factor in keeping a movement strong and resilient These are essential to maintaining the morale of cadres, solidarity of the people, and sympathy of neutrals at home and abroad. In an environment of armed struggle in which people invariably face great risks and cadres unusual hardships over long periods of time morale, solidarity, and sympathy define success and failure in critical ways. Unfortunately, barely two years after it began Kashmir's uprising started to suffer from split images.

At first the movement led by the Jammu Kashmir Liberation Front appeared to be secular and nationalist. As such it elicited support at home, and a measure of sympathy both in India and abroad When the Islamic parties, supported among others by the Jamaat-i-Islami of Pakistan made a significant appearance on the scene, the effect was not only internal confusion and division but also the dissipation of actual and potential international support for Kashmiri struggle. To date, the governments of Pakistan and Azad Kashmir have spent millions of dollars to mobilize international support behind the question of Kashmir. Cumulatively, the score has been a pathetic zero. In effect, for each of these religious and secular, parliamentary and private carpet-baggers and patronage seekers, Kashmir's cause serves in Pakistan as one big pork barrel.

The creation and maintenance of 'parallel hierarchies' of governance has been the distinguishing feature of liberation warfare in the 20th century. Successful movements have tended to out-administer their enemy rather than outfight them. This is so because the gap between the military resources of states and the opposing guerrilla forces have widened greatly as a consequence of technological progress

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after world war I. An armed movement neither aims nor expects to defeat its adversary in conventional battle-fields; events such as the battle of Dien Bien Phu are exceptions not the rule. Liberation organizations expect to exhaust the enemy – politically, economically, psychologically – through protracted struggle.

This is primarily political not military warfare. It demands systematic elimination of the incumbent's governing capability, and its substitution by the movement's administrative and social infrastructure. Slowly and surely the guerrilla organization assumes the functions of government – provides health facilities, schools, courts, arbitration, and collects (not extorts!) taxes. Thus the state's machinery becomes increasingly dysfunctional, delinked from the people. 'Nous commencons legiferer dans le vide', the French had recognized first in Indo-China, then in Algeria (We are legislating in a void!). And the liberation movement gets organically linked to the land and its people. It is this phenomenon that overcomes the vast discrepancy in the military power and material resources of the two sides. In 1989-1990, the Kashmiri movement showed signs of developing parallel hierarchies, an infrastructure of governance. Then, it lost interest no less than ability. It still has popular support but neither the will nor capacity to serve the people. In such a climate a movement's support dissipates as people tire of hardships and suffering.

The location of the intelligentsia vis-a-vis a movement serves more as an signal than a decisive factor in wars of liberation. Individual exceptions notwithstanding, the intelligentsia is a cautious class, prone to opportunity seeking more than risk taking. In an environment of armed polarization they wait and watch, and change positions as they sense the balance of forces shifting. The desertion of the intelligentsia from incumbency to the movement normally signals a decisive shift in favour of the latter. The opposite is also true.

In Kashmir, the intelligentsia inclined toward the JKLF in 1990, then began distancing from the movement as it recoiled from the excesses of Islamic militancy. Menaced also by Indian excesses, many middle and upper middle class families moved to the safety of Jammu and Delhi. An estimated 15,000 Kashmiris are now enrolled at Indian universities. Although it is impossible to find an educated Kashmiri who does not disapprove of India's military presence in the valley, their class location vis-a-vis the struggle for Kashmir remains ambiguous.

Last the material factors – the availability of arms, men, and logistical supplies – which significantly affect the course of a struggle. The best organized armed uprisings obtain much of their armaments from the enemy. 'We must regard [French General] De Lattre as our quarter-master-general,' was Vietnamese General Ngo Vuyen Giap's motto during the Indo-China war. Algeria's guerrilla commander Belkacem Krim had his adversary, General Andre Beaufre play roughly the same role. To my knowledge, Kashmiri militants are not capturing even 10% of their weapons from Indian forces. Their dependence on external sources of supply is total. I am not in a position to estimate the endurance and reliability of their external sources of weapons supply. One should expect it to be limited and sporadic.

Kashmir has a Muslim population of about 5.5 million. Of these roughly half a million are estimated to be males of fighting age, between 15-35 years. The state is their major employer, followed by agriculture and tourism, a trade wrecked by war. The pool of potential fighters is around 100,000 men. Of these some 40,000 are dead; and an estimated 60,000 have been disabled. Unbearable economic burdens on families are added to their enormous personal grief. There is a growing feeling among Kashmiris that the world, including their own world, has abandoned them.

The dispute over Kashmir is as old as independent India and Pakistan. This latest phase of violent strife has lasted over ten years. Yet while the human and material losses have mounted – beyond bearing for the Kashmiri people – neither India nor Pakistan have shown an inclination to end the bloodshed on any except their own terms. The three parties to this conflict have reached an impasse. It is now necessary for them to find a peaceful solution. I should first summarize the nature of the impasse.

If one views as crucial the distinction between governing a society and coercing a multitude, India has ceased to govern Kashmir. For reasons discussed earlier, its moral isolation there is total, and irreversible if Delhi remains fixed on the terms which it currently offers. It's options then are three-fold: One, to keep its coercive presence in Kashmir and hope that some day Kashmiris will tire and throw in the towel. Two, to negotiate with Kashmiri leaders on terms the latter could live with. Three, to negotiate a broader settlement with Pakistan and the Kashmiri insurgents who are grouped in the All Party Hurriyat Conference. We deemed a fourth, another India-Pakistan war, as an unrealistic option for settling the question of Kashmir.

India's current policy is to stick with option one while giving it a face

lift. This entails a focus on legislative elections and vague promises of greater autonomy. Although the U.S. is encouraging it, the ploy is not likely to work because Kashmiri leaders distrust India's tenuous promise, and Pakistan encourages their rejection of it.

In comparison with the earlier period of their insurgency, the promises and options of the Kashmiris are circumscribed. The insurrection climaxed in 1993. That was an appropriate year for both Pakistan and Kashmiri insurgents to launch a vigorous political and diplomatic offensive. Since then the insurgency has not gained Rather its strength has been sapped. It faces internal divisions. The Kashmiri movement now confronts Indian sponsored competitors and a more supple Indian counter insurgency effort than was possible during Jagmohan's heavy handed cruelties between 1990-92.

While Jagmohan cleared the ground of the more-or-less secular nationalists during 1990-1992, India's intelligence services connived, as Israel's had done earlier in Gaza, at the emergence of Islamic groupings in Kashmir. Pakistan's intelligence services appear to have missed the point. The emergence of multiple Islamic groupings have sectarianized the movement, dampened the enthusiasm of those Muslims who cherish their traditional, lived relationship to Islam, alienated a significant section of Kashmiri intelligentsia, and contributed greatly to militarizing what should have been primarily a political struggle.

U.S. support for India's electoral initiatives has caused self-doubt and confusion among Kashmiri leaders. The lack of international support, civil war in Karachi, unrelenting reports of crisis and discontent in Pakistan and Azad Kashmir, and a drop in logistical supplies have also had a dampening impact on cadres and leaders. Above all, the people are showing signs of war weariness and economic hardship, and the movement has suffered from a decline in its manpower pool.

As a result, while Kashmiri insurgents are not about to surrender to India's coercion or manipulation, they are enfeebled politically, logistically, and psychologically. Itself in a severe economic crunch, Pakistan is unlikely to help in improving their fighting capability and morale with significantly larger logistical support. The outlook in Kashmir then is of low intensity warfare continuing with ups and downs, and costing its people heavily in blood, repression, and economic hardship.

All three sides are in a blind alley, back to back. India and Pakistan have the capacity, and apparently the inclination, to stay there indefinitely. Out of frustration and fatigue they might swing around one day and come to blows. The Kashmiris, being the weakest and most vulnerable party, have Hobson's choice: either give in to India and settle for what symbolic concessions they can get from the tormenting giant, or continue with resistance, however sporadically History is replete with examples of oppressed peoples who have done just that. Their sacrifices were always awesome. The shame and moral burden was always the oppressor's.

There is a third option of which the initiators can only be Pakistan and India. It requires those two armed adversaries to move toward the future, away from the fixed positions of half a century ago. For history moves by rendering fixed positions obsolete. Any good soldier, engineer, physician, philosopher, and historian knows the high costs of obsolescence. New realities are rapidly creeping over South Asia. Globalization is creating transnational assembly lines, breaking boundaries, forcing enemies to trade, creating transnational centres of power, and circumscribing sovereignties. South Asia governments are eager participants in the process. prime ministers proudly claim MOUs as their achievement, cite figures of foreign investments, sign international trade agreements, and join regional cooperation treaties. India and Pakistan are signatories of GATT, members in the WTO, SAFTA, and SAARC. Ironically, they cross swords in these councils of collaboration. New realities lead them to enter pacts of amity. Tired instincts and vested interests compel them to rake up the bile and bitterness of an earlier time.

One hand, stretched toward the future, is chopped off by another hand anchored in the past. This is but one, possibly the most harmful, manifestation of inorganic growth in the body politic of India and Pakistan. Such distortions will continue to grow as long as our governments do not restore to this region its natural millennial flow −of rivers and mountains, ecology and production, and commerce and culture. To become prosperous and normal peoples we must make peace where there is hostility, build bridges where there are chasms, heal where there are wounds, feed where there is hunger, prosper where there is poverty. Kashmir is the finest place to start, and not merely because it is the core of Indo-Pakistan conflict. Our histories, cultures and religions have converged in Kashmir. Our rivers begin there, mountains meet there, and dreams rest there

A framework of durable peace ought to provide incentives for each party to keep the peace and attach penalties for breaching it. The pertinent facts are the following: (*i*) Kashmir is

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divided. India holds Jammu, Ladakh, and the valley Pakistan's sovereignty extends to Azad Kashmir, and the Northern Areas are virtually integrated into Pakistan as federal territories. (*ii*) With one major exception, the present division of Kashmir conforms to the principle on which the partition agreement was based in 1947. The exception is the valley, which is the center of opposition to Indian rule. (*iii*) While there exists no objective measure of nationalist sentiments, most observers believe that it runs deep, especially in the valley's Kashmiri speaking population. (*iv*) The principle of free trade between India and Pakistan is now established. The actual resumption of normal trade is a question of time. To deprive divided Kashmir the right to exchange and trade will be to penalize the principal party and victim of the India-Pakistan conflict

(*v*) India-Pakistan relations, including trade, will not be stable until the question of Kashmir is settled by a tripartite peace process, and the arms race and war threat between the two neighbours will continue. (*vi*) In relation to Kashmir India is the status quo power. Like all such powers it is engaged in a 'war of position'. The Kashmiris are entering the second decade of an insurgency which aims at changing the status quo. As India's challenger, Pakistan should have engaged in a 'war of movement', which in this instance translates into maintaining a politically and diplomatically dynamic and flexible posture. Instead, it matched India 'position for position', thus creating for itself a crisis of policy, and for the beleaguered Kashmiris an imbroglio of political fragmentation and diminishing resources.

50 ▌slamabad will continue to deny itself the advantages of a 'revolutionary power' (i.e., one whose interest lies in changing the status quo) as long as it remains inexorably committed to the demand for a plebiscite, a demand for which there exists neither the backing of force, nor of the great powers, nor of international opinion. Rather, even the author of the plebiscite formula, the U.N., is keen to repudiate it.

Hopefully, our policy-makers realize that Pakistan's insistence on a plebiscite was a means to an end, not the end itself. That means is now out of date. A plebiscite is a noun without a verb, a car without an engine. Islamabad has to find other means to reach its goal of settling the question of Kashmir to the satisfaction of Kashmiri people and without compromising its own national interest.

▌he first step is to develop a policy, and a strategy to pursue it. It is unnecessary to spell out details. Details can change, and political manoeuvres and diplomatic tactics alter to suit new developments and unforeseen events while a broadly defined strategy continue to serve as a road map to the final destination. A key to developing a workable strategy is the concept of linkage.

In this instance, the question of Kashmir must linked to the imminent liberalization of trade between India and Pakistan. Free trade may not survive and will not thrive if Kashmir is excluded from it, and the long miles of the India-Pakistan 'line of control' remain closed to exchanges other than those of gunfire. The two issues ought to be presented as integral parts of a singular peace to be negotiated between India and Pakistan. The international community, which is keen to see the barriers of trade lifted between neighbours, should be urged to actively support a comprehensive settlement leading to normal trade and growing regional cooperation in South Asia.

It is difficult for nations not ravaged by war, as were Germany and Japan at the end of world war II, to shift suddenly from one state of mind to another. A period of transition, during which assumptions can be tested, trust is engaged, and new bonds are built across boundaries, is often preferable to precipitous peace of the kind that the Arabs of Egypt, Palestine, and Jordan have entered with Israel. In our case, it is important to proceed gradually, step by careful step, in a manner capable of absorbing shocks and building confidences. But peace, however gradual, must be based on common commitment to principles. These need spelling out.

One fundamental principle in this case is that the ultimate arbiters of the dispute over Kashmir are the people of Kashmir in all their diversity of past as well as recent history. Second, a settlement that does not restore the natural, millennial flow of Kashmiri history and geography is not likely to satisfy either Kashmiri aspirations or the requirements of durable peace between India and Pakistan. Third, the notion of sovereignty changed in the second half of the twentieth century; in the twenty-first century, it is in the process of changing drastically. Fourth, divided sovereignties are not synonymous with divided frontiers.

▌f these principles are followed, diplomacy might be directed at reaching an agreement which could be implemented in three stages, of autonomy, open borders, and shared sovereignty over historic Kashmir. If they fail to avail themselves of yet another opportunity, they shall remain holding unused and archaic cards in frozen hands. Such failures rarely harm the leaders. Only the people get hurt.

Voices

The interviews included here were conducted by **Pamela Bhagat** for the Violence Mitigation and Amelioration Project (VMAP) being carried out by Oxfam in different parts of India. Under the gender subtheme in this project (and gender is only one of the aspects being explored), Oxfam is attempting to look at how the escalation of 'collective' (i.e. not individual) conflict in India in the last several years is impacting on the lives of women, and through this to locate ways of preventing, resolving or ameliorating conflict.

Kashmir is one of the regions where interviews were done with women who have lived through conflict, and each interview draws our attention to different and often overlapping aspects of the situation. For example, while we have often seen women as victims of conflict we have not paid much attention to how, when conflict and violence become a way of life, they draw women too into the ambit of violence. Similarly, when men in the family are drawn into or willingly participate in conflict, the task of keeping the family together falls on the women.

In Kashmir, many women have lost sons either to the militants or to the security forces; as a result several of them have decided they do not wish to expose their children to the same dangers and children have been pulled out of school and kept within the home. Because money is short, children are often then put to work inside the home, thereby adding to the numbers of child labourers. Interviews in the valley and in the Kargil area have shown how the different kinds of

conflict taking place there affect the health of women and how, when medical services are reduced or absent (many doctors and other medical personnel have actually left Kashmir) there are serious, long-term effects on women's health.

Nor does conflict affect only the principal communities involved in it' thus, while the Kashmir conflict may be, at one level, a religious battle between two communities, there are others – Christians, Sikhs, Parsis – on whose lives the situation has had a deep impact. One of the aspects of conflict that needs to be addressed is that of the loss of family members: how do families cope with such losses? How can they accept disappearances as 'final' without any evidence to confirm what they are told? How can they give up hope?

As the interviews below show, it is time we turned out attention to these long-term consequences of conflict, for it is only when we understand how and why they take place, that we can begin the task of addressing them and seeing how they can be prevented.

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PARVEENA AHANGAR is Chairperson of the Association of Relatives of Disappeared Persons in Kashmir, a title that she would any day exchange for her missing son and nine long years of anguish.

A short, fair, medium built woman of forty, Parveena is unusually lively and effusive, probably in the hope of somehow getting information about her son. The sheaf of calling cards and correspondence she displays of people who have visited her over the years include international news agencies and welfare organisations – CNN, Le Mode and L'Express of France, National Post, New York Times, Sunday Times of London, Amnesty International, National Human Rights Commission, International Red Cross. Though nothing concrete has come out of her wide spectrum of interaction, she is not bitter or discouraged. She is a fighter and along with 300 other similarly affected families who together formed this association in October 1996, plans to continue the quest for the missing.

She displayed a certificate dated 27 March '98, that says 'J&K High Court Bar Association is pleased to confer Presidential Award to Mtr. (Mohtarma) Parveen Ahangar in recognition of her unrelenting efforts for pursuing the cause of tracing out missing persons.' This is indeed ironic since their success rate till date is zero. She commented, 'What we need is power of their office, not this paper.'

'I was born into the family of a mechanic who worked at the local bus stand. I had a happy though frugal childhood. I was one of two brothers and four sisters and our mother was an illiterate housewife. I was sent to the local school but allowed to study only till fifth standard. No one knew my exact date of birth but at the time of my marriage I was 12 years old. I was married to 20 year old Ghulam Ahangar who ran a small metalworks shop. His family lived in Zainakadal, close to my parents and consisted of his parents, six brothers and one sister.

'By the time I was 13, I had a son to care for, something that I wasn't initially very good at or happy about. After this point my life was a blur of household chores, child-care, arrival of more babies and the move to a larger house in Batmaloo. I gave birth to four sons and one daughter and never resorted to any form of contraception since my husband forbade it.

'My problems started in 1990 when there was a raid on our house by the security forces. On 2 June, my 14 year old son, Mohammed, was taken away. There was a curfew on so we couldn't follow him. The next day my husband and I went to the local police station expecting to see him there. We were not allowed to meet him and were told that he would remain in custody till proved innocent. Soon we heard that he had been moved to Udhampur. We went there that very day and were allowed to meet him. He was gaunt and dirty and cried all the time. We were given heartening news – he had been found innocent and would be released soon. At this point we didn't know that it would ultimately take a year for him to be freed.

'At 3 am on 18 August, the same year, there was another raid in our locality and this time Javed, my 16 year old son, was taken away for interrogation. That was the last that we ever set eyes on him. We went to the police station at daybreak and were told that he was in the local military hospital. We followed the trail but it was a dead end – he wasn't there. A few months later a Gujjar boy from Lolab told us that he had been with Javed in Bharuchili underground jail, along with 80 others. Again our attempts at locating him failed. For many years we ran from pillar to post at the slightest hope of seeing or locating Javed, but to no avail. By now we had filed a case in court and had approached various officials in the state government, security forces and political machinery.

'By the end of the year we had two sons in detention. Mohammed was accessible and we continued to visit him frequently but could not stay near him in Udhampur since we had not yet traced Javed. Moham-

med requested us to file his application for the approaching matriculation examination, confident that he would be released by then. We did not tell him about his brother, Javed.

'It was in June 1991, exactly after a year of detention that Mohammed got freedom. He was shocked to hear of his brother's disappearance.

'That was the most trying time for the family. Javed was still missing and we didn't want to lose Mohammed too. We wanted to ensure that he was not permanently scarred by the loss of his brother and his own experience of torture in detention, even before he had grown a beard. But Mohammed seems to have been strengthened by the experience. He went on to complete his matriculation and graduation but, like thousands of youth in the valley, is yet to find suitable employment.'

Every time that Parveena mentioned Javed's name, she couldn't control her tears. He was her second born and had a congenital speech condition. 'He had a slight stammer but maybe because of that God had blessed him with a sunny disposition. He was very affectionate and the last person to ever take up the gun. He loved the family and helped in all the household chores including washing clothes and cooking. He was good in studies too and had just completed his PUC.

'Javed being taken away by the security forces is a case of mistaken identity. His name is Javed Ahmed Ahangar and our neighbour's son, a militant activist of the same age is Javed Ahmed Bhat. They most probably came for him but nabbed my Javed instead. Bhat has since become a reformed militant with a flourishing agricultural business, a comfortable home, a wife and has recently been blessed with a son. Everytime I see him, I don't grudge him his happiness but I can't help thinking of my Javed.

'Since that fateful day in 1990, the family has split up. My daughter was taken away by my parents and is being brought up by them. There is no contact with other relatives since no one wants to be associated with a family in distress and under a cloud. My youngest son studied only till school level and is working with his eldest brother at their father's shop. My husband has since been dogged by health problems. He suffers from a chronic back problem after having suffered a slip-disc several years back. He had a major operations for nerve disease in his hip and right arm. His toes too had to be amputated. Now he is laid up at home and looks older and infirmer than his years. I shoulder all the responsibilities of family and chasing the case in court.

'Since Javed was taken away, nine years ago, I am obsessed with finding him. I have had no time for the rest of the family or bothered about the house which needs serious repair works. I just don't have the will to involve myself in these things – it seems so unimportant and futile.

'In October 1996, a group of similarly afflicted families formed the Association of Relatives of Disappeared Persons. We have a 300 strong membership. We meet regularly at each others house to extend physical and emotional support to each other. We exchange experiences, information and share hope that some day we will see our loved ones.

'I get letters from all over the world and from various organisations to attend their conferences and meetings but so far I have not gone any where since I cannot afford it and nobody is going to fund us. But now I have made up my mind. I plan to go to Nepal for something that is happening later this year – I want people to know about us.

'Our association suffered a huge setback last year when the Vice Chairperson, Halima, and her young son were shot dead. We suspect pro-government militants, the "renegades", but nothing has been proved and no one has been booked till date.

'I am not intimidated. What is there for me to lose now? I have already lost everything. The government is trying to offer me some compensation but how can I sell my son?'

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LALJI BUTT'S is a strange story of abduction and rehabilitation. According to her, cases like hers have never received any attention since there are far more important and pressing issues in Kashmir.

Dark complexioned and tall, she does not look like a local. But she has schooled herself to blend in by speaking Kashmiri and learning the ways of the women here. There are many more like her whose poverty and helplessness in a strange place has been exploited. Their condition has been further aggravated by the lack of acknowledgement of their existence. Lalji was brought from West Bengal as a 'comfort woman'. Such women have continued to be brought to Kashmir to be sold to the highest bidder.

'I was born in the month of Ramzan (November) about 30 years ago into a very poor family in Murshidabad. My father, Alawas Khan, was a daily wager. I had three brothers and two other sisters. Since my parents could barely afford to feed us all, my

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married sister adopted me when I was very small, probably because I was the youngest.

'My sister, Feroza, was relatively well off and her husband was a very kind man. My brother-in-law ran a grocery store and my sister used to make a lot of money rolling cigarettes. They had no children despite having been married for many years. My sister was grooming me to be the second wife of her husband because she knew that sooner or later he would have to marry again since she could not have children. He too was happy with the deal. One day they went to take the advice of a "Peer Baba". He advised against it and said it was *haraam* to marry someone you had brought up in your own house.

'Soon after this, when I was about 15 years old, a frequent visitor to the house, a woman called Kolli and the mother of my sister's neighbour and friend. asked me to accompany her. She told me that she would teach me some work but I would not be able to return for a year. I agreed but did not tell my sister anything because I was scared that she would stop me from going. Since that day my life has never been the same.

'We travelled by train and bus for days and I was ultimately brought to Srinagar. I used to cry all the time. On reaching our destination, I asked her where she was taking me and that is when she told me that I was to be sold. On reaching Srinagar I realised that this was her business and that she had been doing this for a long time. I met many Bengali girls like myself.

'She knew some people in the HMT factory area and that is where we stayed initially. Then I was sold to a woman called Ayeshama for Rs 5,500. She had apparently bought me to marry her brother who was very old, ugly and lame, so he couldn't find a bride amongst his own people.

'She kept me with herself for six months during which period she taught me to cook and keep house. She was happily married with children. I attempted to run away but she gave my photograph in the police station and was soon brought back.

'Then our *nikkah* took place. She put *mehndi* for me, gave me clothes and a burqua. My husband, Ghulam Nabi Butt, was 40 years old when we were married. I didn't like him and have never learnt to like him. He used to be a *bawarchi* (cook) in Delhi and had recently returned to Srinagar because of poor health. He used to work in a poultry and constantly stank. I used to run away all the time. My husband was advised to make me a mother so that I would have ties to bind me to the family. Since I didn't like him, she used to lock me indoors with him The last time that

I attempted to run away was when I was carrying my first child

'I soon gave birth to three girls and a son. I am very proud of my children and live only for them. My eldest is a daughter who asks many questions but I don't tell her very much, how can I? I plan to work very hard and give them very good futures, not a destiny like mine. I intend educating them even though their father and I are both illiterate. After the third daughter, I insisted on getting operated but I wasn't allowed till I had a son. The situation here was very bad and nobody was willing to perform the operation. So I went to Jammu and had a tubectomy.

'During this period my husband used to earn about Rs 1200 a month. We were able to rebuild our house by selling some of the trees his family owned. Now, for the last few years he cannot move at all, he gets breathless if he does.

'After the birth of my children, I did go home to Murshidabad along with my husband and the children. What I learnt about my family was very painful and I wished I had never gone or got to know. I learnt that after my disappearance my brother-in-law blamed my sister for getting rid of me. She suffered so much after this accusation that after remaining very ill for three years, she committed suicide by consuming poison. My brother-in-law filed a case against that neighbour's husband, Idris, for my abduction and he was jailed for six years. He also went looking for me to Bihar, Benaras and Kashmir but returned disappointed. My mother went insane and used to roam the streets before she died.

'Now my home is here in Kashmir where I have to bring up my children and protect them from this air of militancy. We have not been harassed during this period, probably because we are too poor or maybe because we live so close to the cantonment. But we used to hear a lot of firing and bomb blasts – I couldn't sleep for nights on end. My husband is an acute asthamatic and too ill to do anything. I work in the cantonment as a domestic maid and hope to get a permanent appointment as a sweepress or something. Working in the cantonment gives me protection and respectability.

'My life has turned out far better than the rest of my family. I have been fortunate in the people who bought me. Another girl who came immediately after me was Rahima. She was abducted along with her two children, a son and a daughter. Her son has remained with her but her daughter was sold off separately. Rahima is my neighbour now but has been miserable ever since because she has not been able to trace her

daughter. The man who bought Rahima did not marry her.

'Recently another girl was brought from Bengal by three women. Her case was different. Her parents sold her. The rate for such girls is very low now probably because outsiders are not so welcome here anymore, even though we are of the same religion. She was sold off for just Rs 8000.'

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MARY KAUL is the quintessential school teacher—ever smiling, comfortably plump with a rough voice but pleasant mannerisms. Daughter of a migrant priest from West Punjab, she was born and brought up in Amritsar, Punjab. Since her marriage to Ved Prakash Kaul in 1977, she has been in Srinagar. She stands out in any crowd here because she has continued to don the saree.

She was one of the very few who had the courage to blame the militants for her present situation and volunteered to speak about the trying times she has faced during the years of violence in the region. She insists that hers is the only Christian family that has suffered such loss and is bitter about the indifference of the Church and Christian community in Kashmir.

'I was one of five sisters. My father was a Christian priest and my mother was a housewife. I had a normal, happy childhood with emphasis on studies and academic achievement. I did my B.Ed and was teaching in St Francis Convent in Amritsar when I got married.

'Ours was an arranged marriage. My father had come to Kashmir for a conference and that is when the Reverend here told him about my husband and his family. My husband lost his mother when he was just a year and a half old. My father-in-law, Dina Nath Kaul, used to work with Gandhiji in Wardha where a Mr Brown got him married to a Christian lady. It was she who converted him and my husband to Christianity.

'In 1952 they returned to Kashmir and started a school, Vidya Bhavan, in Navakadal. I joined the family in running the school after my marriage in 1977. That was till my father-in-law died in 1984. After his death my mother-in-law not only took over the school but also turned us out. We were left with the house in Alikadal where we opened a junior school up to the fifth standard. By now we had a daughter and a son.

'In 1990 the problem started and since ours was a predominantly Pandit area, we were severely affected. We were the only Christian family there. Due to the Pandits leaving, the strength of our school and income were greatly reduced. So I requested the Father in Tyndale Biscoe School for a job. I was appointed as an ad hoc teacher on 5 June 1990. My husband continued to run our school with 40 to 50 students.

'On the night of 4 July there was an attempt by some miscreants to enter our house. I yelled for my neighbour and her son came and took us to their house. She advised us to leave the locality because she said even she wouldn't be able to protect us for long. The next day I went to the Principal, Mr Kaul and asked him for some accommodation within the campus.

'He refused and said, "This is not a Mission compound and besides you have been with us for only a month." I was shocked at his reaction since I had known him from Amritsar where both of us had worked in St. Francis School. Apart from that all the bachelors accommodation, at that point of time, was lying vacant. That one decision could have saved my husband's life.

'On 16 July when I was returning from school with my children, a child from our own school ran up to my daughter and said "Sir has been shot." I thought she meant one of our employed teachers till she said "Ved Sir has been shot." We rushed to our house and were amazed to see that everyone in our neighbourhood had locked their houses and run away so that they would not be called upon to help or be questioned. Apparently the militants singled out my husband and told the rest of the teachers and students to run away and then shot him.

'I sent my seven year old son to bring a three-wheeler to take my bleeding husband to hospital. They all refused to help a victim of militants. So I went myself and stopped an approaching three-wheeler by spreading my arms across the road. I told him that my daughter has acute stomach ache and I needed to rush her to the hospital. He agreed to go but the moment he saw my husband he refused. Then seeing us in such a desperate situation, he ultimately removed his number plates and took us to the hospital but literally threw my husband's limp body there and sped away.

'The doctor examined him and said that he had lost a lot of blood from the gunshot wounds in his waist and hip and would need four pints of blood. I asked someone there to donate some blood and he demanded Rs 2000. I didn't have that kind of money since my salary at that time was only Rs 1400. I had no one to turn to so I requested the blood bank to take a pint each from my minor children and two pints from me. They refused till I insisted and said that I would take the responsibility since saving my husband's life was my immediate concern.

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'All this while my husband was alive but could not speak. They took him to the operation theatre but he continued to be in the same state. At about 5 am in the morning he was very restless. So I went to call the doctor but by the time I returned, he was no more. He was just 42 years old. That is when the doctor told me that they hadn't performed the surgery at all and that the bullets had not been removed. Apparently militants had entered the operation theatre and threatened them with dire consequences in case they tried to save him because he was a Pandit.

'Then he was taken to the Safakadal Police Station where they had a post-mortem done and declared him dead. In the report they stated that all efforts had been made to save him which wasn't true. I bathed his body before the funeral and I saw that the bullets had not been removed.

'I was told not to moan too much because these things happened all the time and that I would be given compensation speedily. I was advised not to go back to my house. So, with my children, I stayed in the Church for three months with absolutely no belongings, only the clothes on our backs. On 13 October I heard that even our house had been burnt down. Then I approached Ved Marwah, the security advisor to the Governor, for some accommodation since I was a genuine case of having suffered due to the conflict environment. He was instrumental in getting me a one room flat in the special security Jehangir Chowk area. Since then I have been living there.

'It took me three months to get compensation of Rs 1 lakh but did not get anything for my house. It is nine years now that I have not visited that downtown area or my house.

'In 1992, a group of militants approached me to sell my house plot to them. I refused because I wanted to wait till I could get a good price. But they threatened me by saying that if I wanted to live in Srinagar, I would have to do as they said. By now I had nowhere to go. My mother had died long back and my father died of a heart attack the moment he heard of my husband's murder. My sisters were married. So I gave away the land at a ridiculous amount of Rs 60,000. Today the value of that plot is Rs 6 lakh.

'I put that amount in fixed deposit which matured in 1997. I have invested that Rs 2 lakh in a DDA flat in New Delhi. I don't intend leaving this place ever because here I am a special case and have a lot of entitlements. The government authorities are approachable and sympathetic. But just in case I am ever forced to move, I must have some place.

'The common people here are uneducated and totally unaware of people beyond the Banihal Pass. They know nothing about Christians. Anyone who is not a Kashmiri Muslim is supposed to be a Punjabi Hindu. I have often been harassed by groups of young boys who cannot be identified because they cover their faces below their eyes. A few years back they stopped me and asked why I didn't wear a bindi. I told them that I was a Christian and even took out my cross and showed it to them. Then they asked me why I always wore sarees to which I replied that this was the dress that I was used to. Then they told me that I should either wear a bindi or a burqua. I refused, at which they advised that I should not tell anyone that I was a Christian. In fact, I was to give my story to the press when they threatened me against it.

'My tormentors were from the Hizbul Mujahideen. Recently I met one of my neighbours from Alikadal and she told me that the boys who shot my husband were killed in a bomb blast. This does not give me any sense of satisfaction or happiness because my suffering and loss continue.

'My children have never been approached or threatened but they suffer from deep psychological trauma. My daughter is very submissive and withdrawn. Immediately after my husband died, she would often run away to go and sit at his grave. I have been very troubled by her condition. She does not talk or laugh like normal children. She is physically and mentally weak. She fears loneliness and is timid but average in studies. My son is quite normal and is in the 12th standard now. Both of them are entitled to government jobs under the special article of the state government – SRO 43 – for militancy affected cases. My own life has been very lonely.

'I am very bitter about the attitude of our Christian community. Nobody in the hierarchy helped me. There was no such thing as charity or help for my children's education, uniforms, books. We have subsisted on my salary. Once the Bishop was visiting from the North India Diocese of Amritsar and I approached him. He said, "There are many women like you. How many can I help?" So I decided to pin all my hopes on God.

'Reverend Yunethan Paljer of Srinagar is most uncharitable and self-serving. He has politicised the Church here. He was supposed to retire seven years back but is still carrying on because he does not allow anyone else to take over.

'I do not feel anger for anyone, only deep regret. Why did I come here at all?'

A Kashmiri lament

BALJIT MALIK

The iris still grows in our graveyards,
the saffron still sprouts in our fields,
the chinaar, cherry and apple
still blaze with colour in autumn and spring;

Our meadows are still green with sweet pasture,
our mountains still feed our rivers and lakes
with their brooky music and poetry;

But,
as for India and Pakistan,
their governments, if not their people,
have bathed our land in blood and deceit,
they have brought the devil
into the daily grain, the very fibre of our lives;

Indeed, a time shall dawn
when the Kashmiri iris shall grow in the graves and brains
of those who sought to destroy the blossoms in our soul.

On the Dal

Marshmallow marigold
wildwater lily
Lotus simply supreme
the imperial zabarwan. . and
erosion erosion erosion
by the military-industrial
scramble
for resources precious,
for resources made
　　　　　　shamelessly pitiable.

Our Bleeding Hearts

Our hearts bleed
for these jawaans,
for these loose-tongued
doosron kee zabaan ke
ghulam;

Our hearts thump with
remorse
for their stilted, sulky
morose selves;

Our hearts are astounded
by their blind mandate
to gun – cannon – lacerate
torture... to carry out
blind orders from blind officers,
their blinder mentors;

Our hearts bleed
for their sacrifice, the balidaan
of their families
themselves victims of
the silly-bloody homilies
of two follies-in-enmity
called India and Pakistan

In Every Home of Kashmir

These years the shawl,
our fruit and rice fields,
our dexterous skills of
needle 'n' thread and
spinning and weaving

have been our saviours;
We have our honey,
we needed no Gandhi to tell us
how to blend sweetness
with the bitter pill of militancy;

We needed, indeed
we need no Gandhi
to confront Indo-Pakistani
theft and dacoity... for
We have embroidered into
our soul
our history of the lost tribes,
of Christ, Islam, our.
Rajatarangini and Lawrencian capacity
to understand our heritage in its
entirety;
Indeed, we need no Gandhi,
or nuclear cum conventional
follies of policy
to deliver us from
this our present, our
daily misfortune and tragedy;

For not only do we have our
sher and bakra,
our Abdullah roots, our Islamic zeal,
we have, too, in our chest
our grenade of piety, warmth,
compassion and energy...
our own, our very own
Our very loving and earthy
our gentle and fiery, black-brown 'n'
earthen kaangri.

Don't bleed don't die don't cry
for Kashmir,
only polish-dry your guns
for posterity to forgive,
not forget nor decry,
don't bleed don't die .
don't cry for K' mir
only sweat and try
to carry your sins 'n' burden
with that sweet smell of failure
turning into a slow climax
of a distant difficult
　　　　　　　　paradise.

Report

On human rights violations

A working group to inquire into human rights viola-
tions in Jammu and Kashmir comprising Kamal Mitra
Chenoy, Associate Professor, School of International
Studies, Jawaharlal Nehru University, New Delhi, as
Convenor; Ambrose Pinto, S.J., Executive Director,
Indian Social Institute, New Delhi, and Zafar Iqbal
Manhas, columnist and cultural activist, Srinagar, as
members, was constituted at the request of the Kash-
mir Foundation for Peace and Developmental Stu-
dies, Srinagar in August 2000.
A summary written for the working group by **Kamal**
Mitra Chenoy *and presented at the conference on*
Kashmir organised by the Kashmir Foundation of
Peace and Developmental Studies, Srinagar, 30 Sep-
tember-1 October 2000, is reproduced below.

THE group visited Srinagar, Chithisingpora,
Pahalgam, Jammu, Akhnoor, Rajouri, Surankote and
Poonch between 26 August and 3 September 2000. It
met a wide cross-section of officials, including in the
army, paramilitary forces and police, citizens from
various walks of life, and victims of violence. We are
deeply grateful to our informants who frankly shared
their experiences and opinions with us, often despite
the fear of the gun. But for them, this report could not
have been written. We also record our appreciation of
the Kashmir Foundation for Peace and Developmen-
tal Studies, Srinagar, which consistently gave unstinted
support to our group, while encouraging us to arrive at
independent judgements at every stage. Hence, the
views expressed herein are those of the group, and the
responsibility for all opinions as well as any shortcom-
ings in the report is entirely our own.

For informed observers of Jammu and Kashmir,
and many of its citizens, little of what this report con-
tains is new. But much of what may seem common
knowledge, particularly in the valley, is not well known
in the rest of India. We believe if the Indian public
comes to realize the extent of human rights violations
in the state, public pressure to curb such violations
will mount. But this report is unusual on one specific
count. Unlike most human rights reports, it also des-
cribes and indicts human rights violations by the mili-
tants. While the militants may reject the Indian
Constitution and Indian law, they have no moral or
legal right to violate the universally recognized can-
ons of international humanitarian law. To the extent
they do, they too are violators of human rights and
must be criticized as such.

We dedicate this report to the long suffering peo-
ple of Jammu and Kashmir, with the fervent hope that
it may contribute its mite to the ending of this tragedy.

The Political Background: It is clear to any dis-
passionate observer that the insurgency in Jammu and
Kashmir is the result of the alienation of a substantial
section of the population from the Indian state and from
their own elected representatives, seen as agents of the
former. As is well known, J&K acceded to the Indian
Union under very special circumstances in 1947, with
Maharaja Hari Singh's hands being forced by the Pak-
istani-backed invasion of tribal raiders, to fight whom
the maharaja needed the services of the Indian Army.

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Despite the role of Sheikh Abdullah in rallying the Kashmiri people to support the accession to India, a suspicious Indian government incarcerated him for most of the 1953 to 1975 period until the Indira-Sheikh accord of 1975. In the interim period, making use of pliable governments elected through processes generally believed to have been rigged in favour of the ruling party, the greater part of the autonomy given to the state under Article 370, as enacted and as existing in 1952, was systematically taken away by successive Union governments. This deepened the alienation in the valley and increased anti-Indian sentiments. Though Pakistan continued to support secessionist forces in Kashmir from 1947 onwards, the critical event that led to a major insurgency in the valley from 1989 is widely believed to be the elections of 1987.

There was a major challenge to the ruling National Conference from a coalition of parties grouped under the Muslim United Front (MUF) in the valley. Contrary to popular expectations and predictions, the MUF was routed in elections believed to have been massively rigged by the National Conference (NC). This sharpened popular alienation from both the Union government as well as the major pro-Indian party, the NC, and thus reportedly created the political and social base for the bloody insurgency that persists even today.

The insurgency and counter-insurgency operations by the army, para-military forces, police and surrendered militants have created a vicious circle of violence in which, according to some estimates, as many as 60,000 people have died. The record of human rights violations is a direct consequence of this bloody, and in part, fratricidal conflict.

Counter-Insurgency Laws – Some Legal Questions: The major act that governs military action in Jammu and Kashmir is the Armed Forces (Special Powers) Act, 1958 (as amended in 1972). Human rights activists have long argued that this act is unconstitutional and violates international humanitarian law. The Supreme Court has, like in the earlier case of TADA, upheld the validity of the law, but in view of the potential abuse of human rights has laid down some detailed guidelines for its use. Nonetheless, we believe this is a 'lawless law' which violates both the Constitution and international law.

The act gives no precise definition of 'disturbed area'. The declaration of any area as 'disturbed' under Section 3 is the prerogative of the Governor of the state or the central government. The state legislature has absolutely no jurisdiction in the matter, though under the Constitution 'public order' is a state subject (Seventh Schedule, List II, Entry 1). Under Section 4(a) of the act, even a non-commissioned officer can order his men to shoot to kill 'if he is of the opinion that it is necessary to do so for maintenance of public order...' This gives very wide discretion to even very junior officers.

Similarly, Section 4(b) allows such military personnel to destroy any shelter from which, in his opinion, armed attacks 'are likely to be made' or which has been utilised as a hideout by absconders 'wanted for any offense'. This latitude has permitted the destruction of large numbers of dwellings and other buildings in the state, including in collateral damage when buildings adjoining the one targeted have been damaged or destroyed.

Section 4(c) of the act permits the arrest without warrant, with whatever 'force as may be necessary' vis-a-vis any person against whom 'a reasonable suspicion exists that he is about to commit a cognizable offence.' This has provided the basis of indiscriminate arrests, and the use of brutal force including firing against innocent civilians. Section 4(d) authorises the entry and search, without warrant, of any premises to make arrests as sanctioned under Section 4(c), or to recover any person 'believed to be wrongfully restrained or confined', or any property 'reasonably suspected' to be stolen property or any arms, ammunition or explosive substance 'believed to be unlawfully kept in such premises...' For military personnel operating in a culturally alien terrain, 'beliefs' and 'reasonable suspicions' are often wholly unfounded leading to human rights abuses, as we shall see below.

Though Section 5 of the act explicitly lays down that, 'Any person arrested and taken into custody under this act shall be made over to the office in charge of the nearest police station with the least possible delay...,' this has been repeatedly violated. Section 6 exempts army personnel from prosecution, stating, 'No prosecution, suit or legal proceeding shall be instituted, except with the previous sanction of the central government, against any person in respect of anything done or purported to be done in exercise of powers conferred by this act.' The exemption from prosecution is not only for what is done under this act, but also for what is 'purported to be done.'

Experts in the UN Human Rights Committee, which met in Geneva in March 1991, were categorical that this act is violative of several articles of the International Covenant on Civil and Political Rights to which India is a signatory. Article 2(3) directs the state to ensure that any person whose rights have been vio-

lated 'shall have an effective remedy, notwithstanding that the violation has been committed in an official capacity.' While Article 4(1) permits state parties to take measures derogating from their obligations in the time of national emergency, Article 4(3) lays down that any such derogation must be reported to other state parties through the UN Secretary-General. The Indian government has made no such communication. In any case, as an expert in the UN Human Rights Committee pointed out, such an emergency must be a temporary measure, and cannot be in operation for decades, as this act has been in various parts of India.

Further, Article 4(2) stipulates that no derogation from certain key articles, including Article 6 (right to life), may be made under this provision. But Section 4 of the act, as we have seen above, empowers firing, which may result in death, merely based on a relatively junior officer's opinion or suspicion. This violates Article 6(1) of the covenant which inter alia states that, 'No one shall be arbitrarily deprived of his life.' Under international law, once India has signed this covenant, its provisions can even supersede the Constitution. In other words, the Armed Forces (Special Powers) Act cannot be upheld as legal and valid on the ground that it is consistent with the Constitution, even if it violates the covenant.

In any case, human rights activists have consistently held that the act is also violative of the Constitution. It, like TADA, violates Articles 14 and 21 of the fundamental rights, and is a derogation from Entry 1, List II of the Seventh Schedule. Article 13 which voids all laws inconsistent with the fundamental rights is infringed. Article 19, which protects freedoms of speech and expression, of peaceful assembly, and the right to form associations and unions, is also violated. Though the Supreme Court has upheld the act after laying down detailed guidelines to curb misuse, it should be remembered that the apex court also upheld TADA, to be overruled later by Parliament.

The committee is of the firm opinion that the continued misuse of this law and the exemption from prosecution it provides to military personnel, is a major source of human rights violations by army formations in the state.

Blood and Death in Jammu and Kashmir: Human rights activists and others often argue that since the militants do not accept either the Indian Constitution or Indian law, these do not apply to them. Consequently, human rights violations by them, as it were, cannot be criticised as violations as such, since they have not violated anything they themselves have accepted as law

or as a valid standard. In this vein, it is argued that violations by the militants, or individual terrorism, should not be the subject of study, since Indian law applies only to security forces and the Indian state, who are instead guilty of state terrorism. This betrays an ignorance of international humanitarian law all of which applies to all combatants, militant or statist. The international legal instruments including the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Geneva Conventions, and so on, which India has signed, apply to both the Indian forces as well as to the militants.

Militants, and the Pakistan government, have argued that in the Kashmir case, the special concept of 'jihad' or holy war applies, which supersedes all international humanitarian law, not to speak of Indian law. Pakistan, an Islamic state, does not itself govern its own international relations on the basis of such a controversial reading of Islamic law but on the basis of internationally accepted secular international law. Islamic scholars have also argued that this interpretation of jihad is not in consonance with either Prophet Mohammed's own life or preachings. The Prophet's life was marked by a reverence for peace and mercy towards his enemies. Be that as it may, in a world of myriad religions and ways of life, no one religious interpretation can substitute for internationally accepted standards and law. The Indian state may argue, as it does, that its own excesses are justified or at least excusable, because it fights foreign 'terrorists'.

This argument too is specious, and is a violation of international humanitarian law. State terrorism is neither a legal nor a humane response to religiously fundamentalist individual terrorism.

Thus in this report, as indicated at the outset, the group has criticised human rights violations by both sides – security forces and militants alike. This is, unfortunately, unusual, but for the reasons cited above, in keeping with the core, internationally accepted precepts of human rights and impartial judgement.

Since 1990, there has been substantial militant activity in the state. According to police sources, there were 5,153 incidents of violence and other militant activities in that year. These rose sharply to 7,315 incidents in 1992, and amounted to 7987, 8784, 8731 and 6633 incidents in 1993, 1994, 1995 and 1996 respectively. After this, with an elected National Conference government taking office in October 1996, militant activity declined to 4702, 4150, and 4326 incidents in 1997, 1998 and 1999 respectively. In the 10 year period from January 1990 to December 1999,

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there were a total of 63,387 incidents involving the militants, signifying a high level of activity which was, however, significantly reduced after 1996.

The militants also targeted political activists. In 1996, as many as 61 were killed, of which 36 were from the NC and 19 from the Congress. In 1997, 1998, and 1999, 57, 52, and 47 political activists (121 from the NC and 18 from the Congress) were killed by militants. The plan by the militants was obviously to discourage 'over-ground' political activity, particularly by the major parties the NC and the Congress which bore the brunt of the killings. But the killing of 217 political activists over a period of just four years is a premeditated assault on legitimate political activity and is as such a clearly politically motivated human rights atrocity, allegedly planned by the ISI and other agencies from across the border.

The pattern of destruction of property by militants was similar to the total incidents of militant activity. For instance, in 1990, according to official sources, as many as 802 public buildings including 129 schools, 172 bridges and 501 other buildings were destroyed or extensively damaged allegedly by militants. By 1991, this total plummeted to 93, going up by 1994 to 337. By 1996, public buildings destroyed came down to 122, falling further to only 29 in both 1997 and 1998, to a low of 18 in 1999. In 1996, 602 private buildings were destroyed, of which 432 were stated to belong to the majority community and 170 to the minority community. By 1997, this came down to a total of 437 private buildings of which 303 and 134 were owned by the majority and minority communities respectively. In 1998, the total dropped to 273, of which 189 and 84 were majority and minority community owned respectively. There was a slight increase in 1998, the total going up to 284, of which 233 and 51 were buildings belonging to the majority and minority communities respectively.

Human rights activists question these figures arguing that some of this damage is collateral damage, caused by the security forces in the course of their counter insurgency operations. Even if this was so, and these would be human rights violations, systematically deflated figures would still indicate the widespread damage to public and private property by militant activity, causing grave damage and grief to the civilian population.

Other attacks by militants include the use of explosions through mines, IEDs using RDX, and so on. There were as many as 1280 such attacks in 1990, reduced to 358 in 1996, 255 in 1997, 264 in 1998, and

293 in 1999. Between 1990 and 1999, i.e. in a period of 10 years, there have been 4,013 such attacks. In this case, this particular form of militant activity is unfocused in its choice of victims. Apart from the security forces who often, though not always, appear to be the main target, innocent civilians, including hapless women and children, are also killed. Since these explosions are often set off by remote control, this form of militant activity is the most violative of the human rights of innocents, whose only fault was that they were in the wrong place at the wrong time, even if that place was their home, and the assailant was a foreigner.

Another form of militant activity has been through grenade attacks, which from 242 in 1990 rose to 821 in 1994, going down to 444, 168, 187, and 201 in 1996, 1997, 1998, and 1999 respectively. In the 10 year period from January 1990 to December 1999 there have been a total of 4,231 such attacks. In these attacks too, both security forces and innocent civilians are killed. Often such attacks are followed by indiscriminate firing and even arson by security forces in violation of both international and Indian humanitarian law, according to media and human rights reports. But such attacks themselves, while an act of terror directed against the Indian state, are also a violation by the militants of the human rights of innocent civilians.

By far the largest violation of human rights are in so-called 'cross-firings' between militants and security forces in which a very large number of innocent civilians are killed and wounded. In 1990, there were only 475 such incidents. These peaked at 1891 in 1995. In 1996, 1997, 1998 and 1999 there were 1089, 959, 1126 and 1205 such incidents. In other words, these have increased since 1997. In all, between 1990 and 1999, there were as many as 13,129 such incidents. While it is true that in many such incidents, the firing is initiated by the militants, a large proportion of the casualties are caused by indiscriminate, and often panic-stricken, firing by the security forces.

To cite only one recent instance. In the 1 August 2000 cross-firing between two alleged foreign militants and the CRPF guarding the Amarnath pilgrims in Pahalgam, 35 civilians, apart from the two alleged militants, were killed. Media reports, as well as the CRPF personnel we interviewed in Pahalgam concede, that a large proportion of the Amarnath yatris and local porters who were killed, were killed not by the two militants who were killed in the first 10 minutes of the firefight, but by the panic-stricken CRPF jawans who continued firing for another 20 minutes. Despite the national furore over the episode, no judicial enquiry

has been ordered. Almost all analysts the group interviewed claim that up to 80% of the civilians killed in cross-firing are killed by the very same security forces who are supposed to protect them.

Civilians are also killed in random firing, which increased from 744 incidents in 1990 to peak at 1428 in 1996. In 1997, 1998 and 1999, there were 950, 795 and 838 such incidents respectively. There were a total of 9,829 such incidents in the 10 year period from 1990 to 1999. Civilian loss of life and limb in such instances of militant firing are also a human rights violation.

We could get no authentic figure of disappearances. According to official figures, abductions increased from 169 in 1990 to a peak of 666 in 1996, before tapering off to 448, 298 and 241 in 1997, 1998 and 1999 respectively. The total number of abductions in the 10 year period from January 1990 to December 1999 amounted to 3,658. Despite official claims to the contrary, not all these are abductions by militants but include kidnappings by counter insurgency forces including surrendered militants. Because of their very nature, the agency behind these abductions is very difficult to prove, but there is no doubt that apart from the abductions by militants, a significant number of kidnappings can be attributed to counter insurgency forces. These consolidated figures are not available from unofficial sources. The official figures are discussed below. Of course, when the kidnapped are found dead, the blame is apportioned to the militants though this is, on a significant number of occasions, not the case.

The most tragic human rights violation in the valley has been the forced exodus of the Kashmiri Pandits. The Pandits were an integral part of Kashmiri society and had made major contributions to its literature and culture. Several Kashmiri Muslim saints like Sheikh Nooruddin were worshipped also by the Pandits who called him Nund Rishi. This brotherhood which was an essential part of 'Kashmiriyat' was rent asunder once the insurgency started. BJP state vice president, Tikalal Tiploo, was killed by militants on 14 September 1989, followed by retired justice Neelkanth Ganjoo (he had sentenced Maqbool Butt to death) on 4 November the same year. Murderous attacks on other Kashmiri Pandits followed. With their neighbours unable to protect them from well armed militants, tens of thousands fled not only their homes, but the valley itself. Large numbers of them now live in miserable conditions in Jammu, Delhi and wherever they can find shelter anywhere in the country.

Despite repeated promises, no viable measures have yet been made to bring the Pandits back. Even today Pandit homes are occupied by others in rural and metropolitan areas, even in Srinagar. Arguably no single community given its size has contributed as much to Kashmiriyat and Kashmiri culture, but none has suffered as greatly. There appears to be no great urgency on the part of the state or central agencies to end their suffering, or to significantly ameliorate it.

Villagers from border areas of the state, especially in a radius of five kilometres of the Pakistan-India border, have had to flee their homes because of Pakistani shelling, and live in makeshift refugee camps. Thousands of them too are suffering, and will continue to do so, until there is a political solution involving Pakistan.

State Recorded Allegations of Human Rights Violations: Official figures complied on the basis of the complaints made to the National Human Rights Commission (NHRC) and to the Jammu and Kashmir State Human Rights Commission (SHRC), indicate that a total of 708 allegations of human rights violations were received between 1996 and 1999. But these figures exclude the security forces apart from the police, since neither the NHRC nor the SHRC is empowered to investigate either the army or the paramilitary forces, who have their own courts and internal corrective mechanisms which are not open to public scrutiny. Thus, since alleged human rights violations committed by the Army, and in particular the Rashtriya Rifles (RR), the BSF and the CRPF, i.e. by the bulk of the forces in action in the state are not included in these figures, these must be a very substantial underestimate of the total number of serious allegations made.

The largest number of violations, 256, relate to custodial killings, of which 61, 115, 45 and 35 were allegedly committed in 1996, 1997, 1998 and 1999, respectively. Killings of innocents totaled 157 in this 4 year period with 25, 40, 83 and 9 killings alleged in 1996, 1997, 1998 and 1999, respectively. Allegations of disappearances totaled 103, of which 27, 43, 18 and 15 were reported in 1996, 1997, 1998 and 1999, respectively. Cases of rape and molestation amounted to 75, with 16, 30, 13 and 16 cases reported in 1996, 1997, 1998 and 1999, respectively. 54 cases of torture were alleged of which 7, 37, 6, and 4 were reported in 1996, 1997, 1998, and 1999, respectively. Allegations of beating/harassment totaled 63, of which 14, 18, 14, and 17 were made in 1996, 1997, 1998 and 1999.

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From all accounts in the media and by human rights investigators, these are gross underestimates of

the actual incidence of these human rights violations. A very large number of cases do not even reach the stage of investigation, on the basis of which the above official figures were compiled. For instance, according to the figures compiled by Amnesty International, based on media reports and local sources, there have been as many as 10,000 disappearances since 1990.

Security Forces and Human Rights Violations: The Indian security forces have little training in counter insurgency; even less on human rights, especially in the lower ranks. Officers have been specifically instructed to minimise their casualties, with their future prospects depending on low casualty rates. This leads to officers and non-commissioned officers using maximum fire-power to reduce losses, leading to excessive use of force and unnecessary collateral damage. Report after report of firefights with militants shows that houses neighbouring the ones where militants fire from are also damaged, if not destroyed, by army and paramilitary fire. Often, innocent civilians are also killed or maimed in this so-called cross fire. The protection provided by the Armed Forces (Special Powers) Act insulates army personnel from action in these cases of violations. BSF, CRPF and ITBP personnel are also not subject to the scrutiny of the NHRC or SHRC.

Very senior army officers have gone on record to say that they would not capture foreign militants alive, the argument presumably being that foreigners were mercenaries and thus not entitled to the protection of Indian law or even the Geneva Convention. It is indeed deplorable that no action was taken against such officers for such outrageous and illegal statements. On occasion when the army has suffered casualties including from *fedayeen* strikes they have even misbehaved with the police forces suspecting them of collusion. There are repeated complaints of arson against the army and paramilitary forces, particularly after the latter have suffered casualties after a firefight In very few cases has any action been known to have even been initiated.

The natural tendency in all the security forces is to play down allegations against them. Of course, to maintain some discipline within their ranks and some public credibility, some action is taken within the service through their own internal mechanisms, including court martial. But this information is confidential, and not available for public scrutiny. Under the circumstances, it is hardly surprising that the overwhelming public sentiment is that human rights violators in the RR, BSF and CRPF get away unchecked and unpunished. Since counter insurgency critically involves

winning over public sentiment, in purely military terms, such a public perception is a major victory for the militants, the 'enemy'.

In the J&K police, the special operations group (SOG) better known as the special task force (STF) is particularly notorious for human rights violations. Modelled on the Punjab pattern, the J&K STF suffers from the same ills as its predecessor. The Punjab SOG was found guilty of repeated human rights violations, and civil courts are still investigating unaccounted for deaths and disappearances. Like in Punjab, STF officers and ranks are given out of turn promotions and large financial rewards proportionate to the number of militants they kill, force to surrender, and the arms they recover. In such an environment, fake encounters, the killing of civilians, including petty criminals, claiming that they are militants are bound to occur and even be rewarded. The committee repeatedly heard allegations that seized arms and explosives had actually been purchased from the black market, in order to further career prospects and to obtain financial rewards.

Sometimes the incentives policy coupled with pressure to show quick results can have devastating implications for human rights. To cite just the latest instance, the joint STF-army operation after the Chithisingpora massacre, after which five innocent civilians were allegedly picked up and butchered, is a case in point. It is significant that the Justice Pandian Commission has been set up only to investigate the firing on the protest demonstration that followed, not the killing of the five civilians.

The most notorious counter insurgency force is the surrendered militants backed by the army. Popularly known as 'renegades' they are widely believed to be guilty of every conceivable human rights violation. Some believe they were behind the massacre at Chithisingpora. These surrendered militants have never been given human rights education. In their earlier role as militants they had shown scant respect for human rights. Now when their unlicensed weapon is replaced by a licensed one, what is there to ensure that they will respect human rights including of their former comrades, as a retired police officer asked the group?

Human Rights 'Restrictions' and Harassment: What is perhaps most humiliating and galling to the local citizenry is the regular harassment and mistreatment they regularly face in the course of ordinary, non-violent checking and enforcement by the security forces and police. Road blocks, road patrols and other checks result in brusque even rude questioning, frisking, and in the case of women, even physical humilia-

tion when, for instance, their veils are lifted to ensure that they are actually women and not men in disguise. Any protest under such circumstances leads only to aggravated behaviour, even to violence. Is this how the world's largest democracy treats its citizens, many anguished Kashmiris ask?

In some rural areas a 'lights out' is enforced at 10 pm sharp. This is particularly damaging for students who need to burn the midnight oil, but can only do so at the risk of the lives of the entire household. In Poonch town, the committee was told of the case of the owner of a rice mill, who was tortured and harassed by the army in 1999 for operating his mill at night. The army claimed he did so, to give the milled rice to the militant under cover of darkness. His pleas that he worked at night because of regular power supply, that was not available during the day, fell on deaf ears. He later committed suicide, blaming army torture and harassment for his death.

The Valley of Fear: What is most striking and depressing in what is, arguably, the most beautiful state in India is the atmosphere of fear and despair. Intellectuals, including journalists and faculty in Kashmir University, are wary and even scared of speaking openly, particularly against the militants and the army. While some general statements may be permissible, any specific comment has had on occasion serious, even fatal, consequences.

This fear coupled with rampant alienation perhaps leads to a special kind of 'political correctness.' For instance, several local people and a J&K police constable on duty during the massacre on 1 August 2000, who were interviewed by members of the group, insisted that the CRPF firing was caused by a panic reaction to the sound of a back fire, and that the two alleged militants who were killed were innocent civilians.

About Chithisingpora, there is a widespread belief that the massacre of 35 Sikhs was carried out by the army itself. The group interviewed several survivors and residents in Chithisingpora, and though the witnesses were extremely wary, their statements clearly indicated that they suspected militants of being responsible. But the very fact that contrary perceptions are widespread, shows how much the security forces have alienated themselves from the very people they are supposed to protect.

Recommendations: The only real solution to human rights atrocities is the cessation of hostilities. But for this to occur, and last, a political solution is imperative. Failing that some measures are possible that will reduce, but not eliminate, human rights violations.

Some of the most major are briefly listed below:
1. Withdraw the Armed Forces (Special Powers) Act from operation in the state. The armed forces have sufficient powers under other laws to function adequately.
2. Amend the acts under which the NHRC and SHRC function to enable them to inquire into allegations against the army and paramilitary forces. The NHRC and SHRC must be provided with sufficient investigative staff to inquire into such complaints.
3. All such NHRC and SHRC reports and recommendations should be binding on the concerned governments and forces, subject only to judicial review. These should be public documents.
4. Since amendments to these acts will not be retrospective, action taken by the army and paramilitary forces on earlier complaints should be made public. An enabling law should be passed facilitating judicial review of these earlier decisions/actions.
5. All incentive schemes in the security forces and police that reward the killing of militants, must be withdrawn. Under both international and Indian law, militants should be captured alive if possible. Financial rewards for killing tantamount to 'blood money' are repugnant to civilized values and societies.
6. Peace committees must be set up in all localities in the insurgency affected areas. Counter insurgency forces must coordinate with these committees when carrying out their operations in these areas.
7. Counter insurgency forces and the civil administration must coordinate to reduce harassment to civilians in the course of 'normal' everyday patrolling and checking. A coordination committee should be set up to examine complaints and take remedial action.
8. All counter insurgency forces must be trained on human rights and gender sensitivity. They must be aware of the requirements of international humanitarian law. Consequently, ranks must be instructed that orders that violate these laws are illegal.
9. Surrendered militants should be removed from counter insurgency operations. If absolutely necessary, they may be used as 'spotters' but should not be deployed in armed formations.
10. Urgent measures should be taken to facilitate the return of the Kashmiri Pandits. Until then the relief and rehabilitation packages officially made available to them should be drastically increased, with central government assistance.
11. International human rights agencies like Amnesty International, Human Rights Watch and others should be allowed to investigate alleged human rights violations in the state.

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Reportage
Understanding the Kashmir crisis

SOME seminars serve a more profound purpose than educating or even clarifying issues: they bring about a change in the way a problem is perceived. This was the effect, at least on this writer, of attending the seminar on 'Towards Understanding the Kashmir Crisis' organised by the Academy of Third World Studies at the Jamia Millia Islamia over November 13-15. What follows is based on reflections on the first day's proceedings and on a reading of all the written papers presented at the seminar.

The hardy perennials were, of course, debated: the role (if any) of the United States in the India-Pakistan dispute over Kashmir, and the role of Pakistan (if any, beyond withdrawing support to the militants) in the resolution of the insurgency in Kashmir. However, the title of the seminar, to which impatient reference was sometimes made when these issues were discussed on the first day, referred to understanding the Kashmir *crisis*. The crisis, in this view, had not arisen because the question of Kashmir represented the unresolved issue of the validity of the two nation theory (the Indian state vs the Pakistani). Nor was it a result of the erosion of Kashmir's constitutional position within the Indian state system, a process that mirrored the trajectory of India's professedly secular polity. As a young Kashmiri student studying at Jamia pointed out, these were Indian perceptions and the first day's proceedings had only fitfully given expression to Kashmir's views. Perhaps a happier choice of adjectives could be substituted, but the point he made was a substantial one.

The process of the *resolution* of the crisis represented by this view had, in fact, been well expressed in Aijaz Ahmad's paper presented in that morning's session:

'The most important settlement has to be an internal one, among the Kashmiris themselves, in which the governments of India and Pakistan can play a pivotal role and the international community can help, but which will emerge out of a comprehensive and civilized dialogue among all the Kashmiris, of all regions and religious beliefs, on both sides of the LoC' (p. 13).

It was left to a voice from Kashmir, that of Mohammed Ishaq Khan, Dean of Kashmir University, to present a truly historical view of the crisis itself, in probably the most illuminating paper of the seminar, though it was unfortunately somewhat sidelined in the formal discussion. I will return to this paper in detail, but a couple of points must first be made about the role of the international community, and that of the governments of India and Pakistan, in the resolution of the crisis.

The seminar had been inaugurated with a presentation by the former Foreign Secretary, Salman Haider. As someone associated with the Government of India's most forcefully expressed stand yet on the CTBT, he could have been expected to show scepticism of the international community's ability, if given the unbridled opportunity, to deal sympathetically with the Kashmir issue. This scepticism could only have been reinforced by recent political developments in West Asia. There is a widespread view that with the end of Cold War driven rivalries, the United States may be more prepared to throw its weight in resolving international conflicts, taking the actual merits of the case into due account.

However, the fate of the Palestine-Israeli negotiations provides a tragic example of the perils of an issue falling victim to the US's domestic policy compulsions. The future role of the US in third party disputes is now even more difficult to foresee, with the prospect of a President whose legitimacy will take a long time to establish, whoever the new incumbent is. I gathered from Salman Haider's reaction to a question, posed by this writer, that he did not think that such considerations were considered irrelevant by the Indian foreign policy establishment. So the United States must, as Aijaz Ahmad has asserted above, be kept firmly out of *determining the contours* of the process of resolution of the crisis, however much its help may be sought in bringing recalcitrant groups into the discussion. In this connection an additional point from the 'Kashmiri' angle, this by no less a person than Balraj Puri, was that in the complex problems associated with identity and national sentiments, the United States had shown a straightforward incapacity to comprehend and sympathise.

The position of Pakistan is somewhat different. This is because the reality is that groups of Kashmiris, who must be involved in the resolution of the crisis, live within that part of Kashmir that is controlled by it. More positively, half a century of dealing with Baluch, Sindhi and Pathan national sentiments (quite apart from

the aftermath of failing to deal with Bengali ones) must have taught thinking elements in Pakistan at least one lesson. This is that Pakistan's accumulation of yet more fellow-believers by incorporating Kashmir within its fold will not resolve the problem of the Kashmiri desire for self-determination. So, the governments of India and Pakistan have a role as facilitators.

But the basic point, and now I return to Mohammad Ishaq Khan's paper, is that historically, the party political process in Kashmir has been unable to reflect the varied aspirations of the people of Jammu, Ladakh and the Valley, and to integrate them. This is the crisis of Kashmir. Significantly, though in a much more polemical and sectarian manner, this was also the thrust of Hari Om's paper. (As an aside it may be mentioned that a young Kashmiri academic rather overstated the case in asserting that the atmosphere in Kashmir did not allow dissident opinions even in the university. In response, Ishaq Khan referred to his own dialogue with Hari Om as an example of the civilised exchanges still possible between the 'Jammu' and the 'Kashmir valley' viewpoints).

Ishaq Khan's basic point was that the National Conference had not, by 1947, succeeded in gaining the full support of Kashmiri Pandits, let alone that of the people of the Jammu and Ladakh regions. It was not, therefore, a developed political instrument of Kashmiri nationalism. Although the accession to India temporarily forged links between the regions of Kashmir, the schisms began to surface again when the National Conference attempted to assert Kashmir's distinct identity. This tended, inevitably, to be the identity espoused by the dominant sections in the valley, and more dangerously, of the Muslim peoples of Ladakh and Jammu.

Even when a second chance arose, after the 1975 settlement, the National Conference did not use the opportunity to widen its geographical and social base. When this was combined with both the Congress' and the BJP's party political expansionism, the stage was set for the growth of militancy, which began as a vehicle for the expression of Kashmiri nationalism, however distorted. It may be added here that, with Pakistani support, political militancy was easily transformed into terrorism. The basic point is that it does not help to address the crisis by identifying it as the growth of terrorism itself.

Ishaq Khan's paper provided the background to the proposals made by Aijaz Ahmad of specific institutional structures that could be installed so that the threefold dialogue – within Kashmir, between Kash-

mir and India, and between India and Pakistan – could proceed. Salman Haider, at an earlier session, had made the valid point that even if it were granted that the entire crisis was of India's making, the confession would not advance us very much towards achieving a settlement. The value of Ishaq Khan's paper lies then in demonstrating that the political process has simply not worked in a way to solve the problems of identity for the people of Kashmir. T.K. Oommen, in a later session, identified panchayati raj institutions as a possible means to this end. In fact, another paper presented at the seminar on the role of panchayati raj, though presumably included on the basis of a similar understanding, unfortunately missed the opportunity of addressing the role of formal panchayati institutions in engendering a collective identity.

In an article that has just appeared, A.G. Noorani points to the close analogy between the situations in Kashmir and in Northern Ireland. Noorani does not (nor does Ishaq Khan) refer to the colonial legacy which has influenced the complexities of both these problems. However, one of the points to be recognised by this analogy is that it is not only poor Third World countries that require special political institutions to resolve difficult internal problems. While the demands of Scottish and Welsh nationalisms could be accommodated by the parliamentary process, Irish nationalism required special attention because of its special past.

The discussions at the seminar at Jamia showed that there can still be clear, articulate and civilised expression and exchange of hugely varying views on Kashmir. The process of dialogue within the intelligentsia is remarkably alive. However, current institutions and structures reflect an incapacity to transmit this dialogue into the portals of the political and administrative establishment. It is this imperviousness of institutions that the seminar at Jamia has helped to highlight.

<div align="right">Nasir Tyabji</div>

References

Select papers presented to the seminar on 'Towards Understanding the Kashmir Crisis' at the Academy of Third World Studies, Jamia Millia Islamia, November 13-15, 2000

Aijaz Ahmad, 'Peace Through Autonomy and Reconciliation', Mohammad Ishaq Khan, 'Reflections on Kashmiri Nationalism', M.S. Bhat, 'Democratic Decentralisation in Jammu and Kashmir – Past, Present and Future', Hari Om, 'Kashmiris' Alienation?'

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Books

Narrating the Kashmir insurgency

SINCE December 1989 the Indian state of Jammu and Kashmir has been gripped by an ethnoreligious insurgency that shows few signs of abating. Strategic analysts in India and elsewhere frequently refer to this insurrection as a low intensity conflict (LIC). This term, despite its widespread usage in the strategic studies literature, obfuscates more than it clarifies. Even though India has not used extensive mechanized or airborne firepower to suppress this rebellion, it has exacted significant costs in blood and treasure. Between 35,000 to 50,000 individuals have died in the insurgency. Even the more conservative figure would amount to more than all the combined military losses in the four Indo-Pakistani conflicts of 1947-48, 1965, 1971 and 1999.

There are other tangible costs associated with this insurgency. Thanks to the depredations of the insurgents, much of Kashmir's infrastructure is now in a shambolic state. Finally, the insurgency has also exacted an immeasurable psychological cost. An entire generation of Kashmiris bear the scars of psychological and physical abuse at the hands of the insurgents and the Indian security forces alike.[1] Even in the unlikely event of a quick end to the insurgency, these visible and especially invisible scars will take a long, long time to heal.

Matters in Kashmir, of course, have worsened after Pakistan's ill-considered attempt to breach the Line of Control (LoC) in April-June of 1999. Since then the insurgency has again gathered renewed steam as more vicious insurgent groups have started to stalk the haunted valley. These groups, most notably the newly-named Harkat-ul-Mujahideen, the Lashkar-i-Taiba and the Jaish-e-Mohammed have been emboldened by the seeming weakness of the Indian state in its dealings with the terrorists who hijacked an Indian Airlines aircraft on a routine flight from Kathmandu to New Delhi in December of last year.

The insurgency has spawned a small cottage industry of literature all of which purports to explain its origins. This corpus of literature can be divided into three distinct categories. The first segment is composed of official explanations.[2] These are unabashedly partisan, partial and tendentious. Given that they are intended for the purposes of placing an adversary in the worst possible light they could hardly be otherwise.

A second body of literature is of the journalistic genre. The quality of these works is uneven. Some are remarkably honest and disturbing accounts of the origins of the insurgency while others are quite partisan, partial and anecdotal. One of the best, straightforward narrative accounts of the sources of the insurgency can be found in Ajit Bhattacharjea's *The Wounded Valley:*

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1. See for example, Human Rights Watch, *The Human Rights Crisis in Kashmir: A Pattern of Impunity.* Human Rights Watch, New York, 1993

2 For a Pakistani version see Shaheen Akhtar, *Uprising in Indian-Held Kashmir.* Institute of Regional Studies, Islamabad, 1991; and Government of India, *From Surprise to Reckoning: The Kargil Review Committee Report* Sage Publications, New Delhi, 2000.

Bhattacharjea, a distinguished journalist of long standing and considerable personal integrity, traces how a series of Indian national governments showed scant regard for the principles of federalism and fair play in their dealings with the Kashmiris. This feckless disregard for the rights and privileges of the Kashmiri population, in his view, contributed to the birth of the insurgency. Bhattacharjea's work is unpretentious and direct but lacks an analytical edge. Why, for example, did the insurgency break out in the late 1980s and not earlier? After all, there had been a pattern of Indian central government abuses of authority for an extended period of time as far as Kashmir was concerned.

Other Indian journalists have also made useful contributions to our understanding of the sources of the insurgency. One of the better, historically-grounded accounts is M. J. Akbar's book, *Kashmir: Behind the Vale*.[3] Akbar not only traces the tortured history of the state's integration into India but also accurately portrays the skullduggery of the Indian central government during the days of Indira and Rajiv Gandhi that contributed to the rise of violent separatist sentiment in the late 1980s. Akbar's account accords well with Bhattacharjea's analysis but suffers from the same limitation. He traces the sources of the insurgency with care but fails to explain the timing of the rebellion. Another highly reputed Indian journalist of Akbar's generation, Tavleen Singh, in *Kashmir: A Tragedy of Errors* has provided a breezy account of the political chicanery that preceded the insurgency.[4] She pulls no punches in identifying the guilty men and women of Indian politics who bear much of the blame for the breakdown of the federal relationship between India and the state in the 1908s. The central problem with her work is its propensity to rely on the telling anecdote rather than providing a deeper and more probing analysis.

Another Indian journalist of some repute, Manoj Joshi, has written a compelling and breathtaking account of the immediate origins of the insurgency. His book, *The Lost Rebellion: Kashmir in the Nineties,* provides a remarkable picture of the arcane world of the insurgency. The very cogency of his writing, however, is the principal drawback of the book. What is the reader to make of Joshi's account of the precise timings of the infiltration of particular insurgent groups and their nefarious activities in the valley? Admittedly, journalists have access to a variety of sources. However, in

the absence of access to these sources, one is forced to wonder how Joshi could have acquired this fine-grained knowledge of the exact activities of a range of insurgent operations.

These books, despite their limitations, have a degree of intellectual honesty especially when it comes to carefully documenting the many misdeeds of the Indian state in Kashmir. A British journalist, Victoria Schofield's *Kashmir in the Crossfire* also highlights many of India's malpractices.[5] However, she turns a virtual Nelson's eye to the significant misdeeds of Pakistan in Kashmir. Her account which contains little new substantive information about the insurgency is also marred by a profound pro-Pakistani bias.

Finally, a third segment of literature on the Kashmir insurgency is of the academic variety. The quality of these analyses covers a wide spectrum. One of the first academic analyses of the Kashmir insurgency was the Indian-American scholar Raju G.C. Thomas's edited book, *Perspectives on Kashmir: The Roots of Conflict in South Asia*.[6] This collection has a large set of essays dealing with every conceivable aspect of the Kashmir dispute. The principal strength of this work is its comprehensiveness as Thomas has made a honest attempt to represent a range of conflicting viewpoints and analyses. Unfortunately, the quality of essays in the volume are quite uneven. Quite expectedly, some of the contributions are blatantly partisan. Beyond their partisan leanings, some are quite poorly argued and crafted. Nevertheless, the volume amounts to and remains a most useful compendium of divergent perspectives and explanations for the origins of the Kashmir dispute and the outbreak of the insurgency.

Another early account of the insurgency and the larger problem of Jammu and Kashmir is Vernon Hewitt's *Reclaiming the Past? The Search for Political and Cultural Unity in Contemporary Jammu and Kashmir*.[7] Hewitt's book is a workmanlike effort at providing a historical account of the Kashmir problem and the origins of the insurgency. His account, which is quite fair-minded, has two important limitations. It has a number of small historical errors and also makes a scant attempt to engage the burgeoning body

3. M.J. Akbar, *Kashmir: Behind The Vale* Viking, New Delhi, 1991.

4. Tavleen Singh, *Kashmir A Tragedy of Errors* Viking, New Delhi, 1995.

5. Victoria Schofield, *Kashmir in the Crossfire* I.B. Tauris, London, 1996

6 Raju G.C. Thomas (ed), *Perspectives on Kashmir: The Roots of Conflict in South Asia* Westview Press, Boulder, 1992.

7 Vernon Hewitt, *Reclaiming the Past? The Search for Political and Cultural Unity in Contemporary Jammu and Kashmir* Portland Books, London, 1995.

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of theoretical literature on ethnic violence, separatism and self-determination.

A somewhat more theoretically self-conscious work is, *Democracy and Violent Separatism in India: Kashmir in Comparative Perspective*[8] by Sten Widmalm, a Swedish academic. Widmalm's evidence and analysis is sound and presented in a succinct fashion. He argues that the insurgency can be attributed to the restoration and the subsequent dismantling of democracy in Kashmir. This argument is compelling but partial. It fails to take into account the extraordinary degree of political mobilization that took place in Kashmir during the past thirty years which produced a vastly different electorate than the one of the 1950s.

Sumantra Bose, another academic of Indian origin, has attempted to write a particularly theoretically-driven account of the origins of the Kashmir insurgency. Unfortunately, for much of his theoretical sound and fury, the book *The Challenge of Kashmir: Democracy, Self-Determination and a Just Peace*[9] adds little to our understanding of the social and political forces that contributed to the onset of the insurgency. Despite his attempt to summarize and utilize a body of theoretical literature on democracy and self-determination, Bose's conclusions are entirely unexceptional. Consequently, after much adumbration of the theoretical literature, he concludes that India has singularly ill-treated the Kashmiris and that they are deserving of some form of autonomy with appropriate guarantees for minority rights.

His book, however, is by far not the weakest in the academic genre. That particular designation must be saved for Robert Wirsing's utterly tendentious, politically partisan and analytically flawed work, *India, Pakistan and the Kashmir Dispute: On Regional Conflict and its Resolution*.[10] Wirsing's book covers much familiar historical ground but in an intellectually dubious fashion. Among other matters, the book has an anti-Indian undertone and repeats certain well-known Pakistani canards.

Furthermore, Wirsing still flogs the Pakistani shibboleth that India had planned to send in troops to Kashmir should the need arise at the time of the acces-

sion of Kashmir to India in October 1947. Of course, he cites no new evidence in support of this absurd claim Worse, from an analytical standpoint, the book has a crippling flaw. In a two hundred odd page book one looks in vain for some semblance of an explanation of the origins of the insurgency. Despite its academic mien, this is a biased, lopsided and intellectually questionable work.

A complete explanation of the origins of the insurgency must be rest on four factors. Two of these factors are *structural* and the other two *contingent*. The structural factors are the dramatic degree of political mobilization that took place in Kashmir during the past thirty years. What, in turn, brought about this increase in political awareness and sophistication? Ironically, it was the efforts of the Indian state. India, in an attempt to win the hearts and minds of the Kashmiri populace, invested enormously in the infrastructure of primary and higher education and dramatically expanded mass media facilities As a consequence of this growing educational attainments and media exposure, a new generation of Kashmiris became politically sophisticated and savvy This growth in political sophistication took place against a backdrop of dramatic institutional stultification.

Until the famous Beg-Parthasarathi Accord which restored Sheikh Abdullah to the chief ministership of Kashmir in 1975, the electoral machinery in Kashmir had been steadily compromised since Abdullah's dismissal in 1953. In the aftermath of Sheikh Abdullah's return to Kashmir, two elections, those of 1977 and 1983, were 'free' of political taint or interference. In the 1983 election, Abdullah's son and successor, Farooq Abdullah, though lacking his father's organizational abilities and political dexterity, easily garnered a majority for the National Conference.

Unfortunately, shortly thereafter, thanks to the centralizing propensities of the national government in New Delhi, the old habits of political chicanery again asserted themselves in the federal relationship with Kashmir. As well documented in many of the books under review, Indira Gandhi and subsequently her son, Rajiv Gandhi, made a series of dubious political choices that undermined the authority of a legitimately elected regime in Kashmir. Earlier generations of Kashmiris would have simply accepted this form of political skullduggery as their lot; the generation of the 1980s found this behaviour intolerable.

Two questions still persist and require answers Why did the insurgency break out in 1989 and not earlier? Also, why did it turn violent? After all, India has

8 Sten Widmalm. *Democracy and Violent Separatism in India Kashmir in Comparative Perspective* Department of Government. Uppsala University. Uppsala. Sweden. 1997

9 Sumantra Bose. *The Challenge in Kashmir Democracy, Self-Determination and a Just Peace* Sage Publications. New Delhi. 1997.

10 Robert G Wirsing, *India, Pakistan, and the Kashmir Dispute On Regional Conflict and its Resolution* St. Martin's Press, New York, 1994

a long tradition of civil disobedience. Why did the young Kashmiris disaffected with their political dispensation not seek to clog the prisons of the state by courting mass arrest? The answers are not far to seek and are located in contingent factors. Ironically, it was the Indian state that had made this young generation of Kashmiris aware of political conditions and developments in India and elsewhere through the growth of mass media. As a Kashmiri activist told the author in an interview: in the late 1980s we saw the collapse of the Soviet empire on television and said to ourselves, if the might of the Soviet empire could be challenged, then why not the writ of the Indian state? The Kashmiris also chose a violent form of protest because they lacked an alternative model for expressing their discontent.

It needs to be underscored that Kashmir, as a princely state, under the authoritarian tutelage of Maharaja Hari Singh, was not part of the Indian nationalist movement. The opposition to the maharaja under Sheikh Abdullah, though secular and popular, was woven around his charismatic personality and lacked mass organization. Consequently, lacking a viable, non-violent model of political protest the young Kashmiris resorted to *intifada* like tactics. The knowledge of the intifada, in turn, came from Palestinian students enrolled at the University of Kashmir, thanks to India's close ties with the Palestinian nationalist movement and the Arab world.

Sensing an important opportunity to impose costs on its traditional enemy, Pakistan immediately entered the fray on behalf of the discontented Kashmiris. Its leadership moved with dispatch to provide sanctuaries, weaponry and training to Kashmiris willing to challenge the writ of the Indian state. In this endeavour, they also quickly moved to undermine the independence-oriented and nominally secular Jammu and Kashmir Liberation Front (JKLF) and to bolster the more Islamic organizations such as the Lashkar-i-Taiba, the Hizb-ul-Mujahideen, the Harkat-ul-Ansar (more recently reincarnated as the Harkat-ul-Mujahideen) and the Jaish-e-Mohammed. The rest, as the bromide goes, is history.

Sumit Ganguly

STATE, IDENTITY AND VIOLENCE: Jammu, Kashmir and Ladakh by Navnita Chadha-Behera. Manohar, New Delhi, 2000.

'BEARING in mind the multiple identities of a community in terms of language, religion, caste, culture, ethnic and religious affiliations, why does a particular aspect become politicised at a specific moment in history?' Navnita Chadha-Behera makes a valiant attempt to answer this comprehensive question. *State, Identity and Violence: Jammu, Kashmir and Ladakh* is an intense read. The result of painstakingly detailed and well documented research and analysis, the book provides refreshing insights on a subject much written about.

Most writers treat Kashmir as an extension of an international relations debate between India and Pakistan. A majority of published works fall in this category. Those that don't are historical books or personalised accounts of Kashmir. But few, if any, contemporary writers bother to go beyond the 'valley'. Behera's book is a welcome change focusing on the internal dynamics of Jammu and Kashmir expressed through identity. Written without being judgmental, the central thread running through spotlights the formation of separate identities at different times within the state of Jammu and Kashmir and how their role impacted on contemporary reality.

Much of the genesis of the Kashmir identity crisis lies in the politics of 'majority' vs. 'minority'. Majority in the state – sense being Kashmiri Muslim represented by the National Conference and regionally Buddhist vs Muslim in Ladakh and Hindu vs Muslim in Jammu. When a group identity is inclusive of diversity, argues Behera, then it is powerful enough to challenge the might of the Indian state. But over the years, identities have narrowed in their definition, their support bases have shrunk, thus rendering them less effective.

The central argument, that a group identity without mass support is of little political consequence, is well illustrated. In the late 1930s, Sheikh Abdullah was one of the first to realise the importance of the 'regional faultline' in Kashmiri politics. Though his constituency remained predominantly Kashmiri Muslim, he introduced to the right of self-determination the concept of 'cultural nationality'. The National Conference emphasised *Kashmiriyat,* the unique cultural identity which distinguished Kashmiris from other people within the state and included both Hindus and Muslims.

Post 1947, Kashmiri domination was evident in the first elected Assembly of 1951. The National Conference won 100 per cent of the seats, including 73 uncontested seats in the house of 75. One suspects that a wholescale rejection of opposition candidates' nomination papers (45 out of 49 candidates of Jammu's Praja Parishad were not allowed to file nominations) and uncontested seats 'subverted the democratic process

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and denied Jammu a voice in shaping the future political system.' The constant tussle between accommodating Kashmiri Muslims and Pandits for government jobs resulted in ignoring the claims of other ethnic groups: Dogras, Gujjars, Paharis, Jammu Muslims, Ladakhi Buddhists and Ladakhi Muslims.

Launched in 1952, the Praja Parishad held beliefs similar to the RSS and accused Sheikh Abdullah of Islamicising the administration. They demanded that the state of Jammu and Kashmir be fully integrated with India so that Kashmiri domination of Jammu would end. But argues Behera, the movement failed because it was not supported by the masses, particularly in the rural areas. 'The Parishad's identification with the Hindu landlords, *jagirdars* and *sahukars* (moneylenders) who had enjoyed a privileged position under the Maharaja's rule delivered a body blow to its social and political appeal.'

Fed up with constant discrimination from successive governments favouring the valley, the demand for a separate state for Jammu revived nearly 40 years later. The Jammu Mukti Morcha (JMM) demanded bifurcation of the state. Its vision for Jammu addresses administrative and cultural grievances. But again, the JMM is founded by a group of intellectuals with little public support and, therefore, has had limited impact. The recent Regional Autonomy Report also advocates a trifurcation of the state.

Ladakh, with its Buddhist majority was equally apprehensive in 1947 about the transfer of power to a Kashmiri administration. No resources were sanctioned to rehabilitate refugees from Zanskar, nor was any financial assistance given to repair or reconstruct *gompas*. Urdu was imposed as the language of learning in Ladakhi schools. The Ladakhi Buddhist Association (LBA) argued that Ladakh should not be bound by the result of a plebiscite, if one was held and the result was in favour of Pakistan. They wished to be governed by India, or become part of the Hindu majority areas of Jammu or Punjab. If all failed, Ladakh would consider reuniting with Tibet. The LBA demanded that an administrator from the centre should be sent to Ladakh instead of being left to the mercy of Sheikh Abdullah's government. However, the demands of the LBA died a natural death since half of Ladakh's population, the Shi'ite Muslims of Kargil, did not support the LBA. Again, as Behera points out, the movement did not have the support of the masses.

In 1989, the Ladakhi Buddhists launched a violent agitation to revive the demand for union territory status for Ladakh. The agitation led to the social boycott of Kashmiri Muslims resident in Ladakh and soon extended to local Muslims. The LBA launched a civil disobedience movement against the state government. An agreement was reached with LBA leaders where the demand for union territory status was withdrawn in favour of an Autonomous Hill Council for Ladakh which came into being in 1995. Behera argues that the Ladakhis were successful this time round because of 'unprecedented unity' among the people of Leh in rallying around to demand an autonomous hill council. She points out that 'the Kargil Muslims did not accept an autonomous hill council for Kargil, but did not oppose it for Leh.'

During the early years after Independence and before his arrest in 1953, Sheikh Abdullah too flirted with the idea of an independent Kashmir. With the Praja Parishad in his backyard, he began wondering if Kashmir would survive a Hindu nationalist government in New Delhi. Kashmiri identity had now narrowed down to just Kashmiri speakers of the valley, primarily Muslims. It didn't pretend to include the interests of Jammu and Ladakh. The schism between Jammu, Ladakh and the valley widened. While the valley began to explore options of independence – secession from the Indian state – Jammu and Ladakh demanded the opposite.

Kashmiris did not succeed in creating an independent state. Behera argues that 'the limited and fragmented edifice of Kashmiri identity was the most critical reason for the this failure... Sheikh Abdullah could not demand political autonomy for Kashmir from the Indian state, yet not allow Jammu and Ladakh to demand the same.' The author comments that Sheikh Abdullah had forgotten that a group identity must be large and powerful to challenge a state: that was why the Muslim Conference was transformed into the National Conference. But here he was working in the opposite direction. Jammu and Ladakh comprised 47% of the state's population: their exclusion from the Kashmiri group identity had weakened any challenge to India.

Two decades later, Sheikh Abdullah accepted special status for Kashmir within India: he signed the 1975 Accord with Indira Gandhi. Fresh elections were held in 1977 and the Sheikh used 'autonomy' as his campaign cry. His second stint in office as chief minister did nothing to allay the fears of the minority being marginalised. In Jammu, police firing on a protest against unfair recruitment of teachers in Poonch snowballed into a regional agitation for greater representation. Similarly in Ladakh, police firing on Buddhist agitators protesting against the transfer of a diesel

generator from Zanskar to Kargil created a mass agitation. By the early '80s electoral politics became communalised, further sharpening and narrowing identities. The Jamaat-I-Islami tapped a growing strata of educated youth, who began increasingly looking to Islam for political solutions.

The 1983 elections were fought on clear communal lines with the Congress reminding Jammu that it was part of Hindu India and had been neglected by Muslim Kashmir and Farooq Abdullah aligning with Mirwaiz Farooq's Awami Action Committee, a pro-Islam party though it campaigned for preserving Kashmiri identity, whatever that now meant. Interestingly, the BJP in Jammu and the Jamaat in the valley were wiped out. The National Conference won overwhelmingly in the valley and the Congress won substantial seats in Jammu. So though communalism had set in, fundamentalism had not. It was different in 1987. The bulk of Kashmiri youth supported the Muslim United Front – the Jamaat (part of the MUF) sought to Islamicise Kashmiri identity in a radical and fundamentalist manner. Farooq aligned with the Congress. He won a rigged election, but in the bargain lost Kashmir.

Behera does an excellent job in chronicling the insurgency (1989 onwards) into five phases which does not need to be summarised here. The overwhelming support of the Kashmiri Muslims was the key to its success in the early years but vehement opposition by more than half the population of the state (peoples of Jammu, Ladakh and Kashmiri Pandits) proved to be an obstacle that could not be overcome. However, the turning points were in 1994-1995 (phase IV) and 1995-1996 (phase V). Popular resistance to militancy and exploring political avenues (the Hurriyat Conference was formed in 1994) were the highlights of phase IV.

Yasin Malik (JKLF) and Shabir Shah (People's League), leaders of credibility with the militants and the public, were released from jail in 1994. The JKLF announced a unilateral cease-fire in 1994 to facilitate dialogue. Regaining Kashmiri control over a movement which was now dominated by outsiders was seen as critical. Phase V continued the decline of the militant movement, 'specially the Kashmiri component.' Voluntary repatriation, 'peace with honour' and restoring the political process were the highlights of this phase. Again, redefining Kashmiri identity vs an Islamic identity was critical. Briefly, the author argues that the causes of failure can be traced to a limited social base, the lack of external support (barring Pakistan) and the flawed, incoherent strategy of the militant movement.

At the end of a comprehensive analysis on contemporary Kashmir, Behera objectively weighs considered options. She emphasises a political solution which takes into account regional demands, leading to the creation of a political system that will nurture sub-national and sub-regional identities, creating stakes for them in the larger political process. NGOs, social institutions and grassroots workers have an uphill task to play in a society so brutalised by violence that children in schools learn 'B for Bomb, C for Curfew.' Channels of communication between Pandit leaders and Kashmiri Muslims must begin to revive a shattered bond. The state government must explore ways to communicate with militants, ex and current. Bilaterally, though dialogue with General Musharraf seems a remote possibility, lasting peace will have to include Pakistan in agreeing to convert 'the Line of Control into a Line of Peace.'

The long term resolution of Kashmir will be possible only through a political framework with special involvement of the people of Jammu and Kashmir and the larger public in India and Pakistan. The most serious challenge, according to Behera, will be 'to reverse the increasing and deepening communalisation of polity and society of Jammu and Kashmir,' namely the Islamicisation of *azaadi*, the Islamic warriors, militant inroads in Jammu district, Hindu massacres, the 'cleansing' of the valley (the fleeing of Pandits) and changing political alignments (the National Conference-BJP combine).

This book contains a wealth of information and is well argued. For policy-makers, scholars and those interested in the intricacies of Kashmir, a must read.

Nayana Bose

DEATH OF DREAMS: A Terrorist's Tale by Aditya Sinha. HarperCollins, New Delhi, 2000.

KASHMIR: The Unveiling of Truth! by Hashim Qureshi. Jeddojuhd Publications, Lahore, 1999.

Aditya Sinha tells the story of Firdous Syed Baba, or Babar Badr as he was known when he was the Supreme Commander of the Muslim Jaanbaz Force (MJF) for just over half a decade of the militancy in the valley. In 1996, he came overground, laid down arms forever and, after long thought, joined the party his father had been loyal to under Sheikh Abdullah, the National Conference.

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The story is well told and has the ring of authenticity on every page with no authorial interventions except, perhaps, in the epilogue. The main body of the book comprises a blow-by-blow account of how the militant upsurge swept the valley in 1989, how and why Kashmiri youth were drawn irresistibly into the maw of violence, their modus operandi in crossing the LoC to reach their ISI and Pak military controllers in POK; the chains of command, communication and resource flows that were set up; the virtually unhindered way in which all this was accomplished in the early years when the entire machinery of the state of India seemed to have collapsed in Kashmir in the face of the unprecedented mass uprising of the people.

Equally tellingly told is the rapid unravelling, fragmentation and disillusionment in the movement once the Indian state got its act together. The Pakistani state was exposed in its basic ambivalence about Kashmiri aspirations (most significantly when it failed to back up the mass uprising in 1989-90 by an armed intervention which it had incited for years with this promise of help) and the movement itself fell apart under the weight of its own contradictions.

Sinha presents this story straight from the horse's mouth. As a result not only the initial euphoria, romance and idealism but also the slide into confusion, duplicity and betrayal by virtually all the chief protagonists of the struggle, the dawning comprehension about the issues involved and the final reckoning unfold through Babar Badr's eyes with a freshness which comes from telling it like it was.

What stays in my mind is the casual way in which thousands of ordinary Kashmiri boys and young men flocked across the LoC to take up arms against the Indian state. As Babar Badr describes it, many of them just left as if for a picnic, literally thumbing a lift from off the street and without a backward look. They knew what they hated but seemed to have no idea of what they wanted in its place. It was like a Luddite storm which swept them along, carrying within it a hodge-podge of dreams and aspirations but with no coherent leadership to unify or direct its raging course. As became clear to Babar in due course, this was precisely what Pakistan wanted and the blind faith which Kashmiris had reposed in it was exploited to the hilt and with utmost cynicism. But in the beginning the image is that of a childlike if not childish state of euphoria. With the Sheikh gone and his legacy in tatters, with the step-motherly treatment of the centre, this was a huge, adolescent revolt against the grownups who had betrayed them.

The leadership of the insurgency, whether that of the pro-Pak groups and parties or the JKLF, seemed to have no control over what was happening. In large part, as Badr tells it, this was also deliberately engineered by the Pakistani authorities who wanted to create anarchy and mayhem in Kashmir, to 'bleed India in a thousand places' rather than risk a unified movement for Kashmiri independence or an all-out war with India in order to seize Kashmir for itself.

The outcome of this strategy was not only the thousands of Kashmiris killed uselessly, but also the tearing apart and destruction of Kashmir's social fabric. Badr describes the lumpenisation of the 'movement' and the arrogance of the Kalashnikov and bomb-wielding youth who soon held everyone to ransom with their demands – these being increasingly more personal than political. With the top leaders of the JKLF either killed or in jail in both India and Pakistan, and with the Jamaat more interested in ideology than in history, as Sinha says in his preface, the 'movement' was now in the hands of scores of disparate and uncoordinated bands of terrorists, each a law unto themselves. No wonder that by 1994, ordinary Kashmiris were sick and tired of the violence let loose upon them.

Badr himself was caught by the Indian Army and imprisoned for two years in 1991 after he had led the kidnapping of two Swedish engineers (later released safely). It was after he was released and re-joined the struggle, this time getting to Pakistan from Nepal to renew contacts and get fresh instructions, that he began to see through the Pakistani game. His plea at the end of the book is for a resolution in Kashmir which will not 'humiliate a defeated people.'

Kashmir: The Unveiling of Truth! is a collection of writings from previous books, articles and interviews to the press and letters to various public figures. Poorly written and badly proofed, the book is nevertheless another valuable 'insider's view'. What is remarkable is that it was published in Pakistan, although it was apparently quickly banned, hardly surprisingly given its harsh and uncompromising exposure of Pakistan's cynical game in Kashmir.

While Badr's account is from within the armed movement, Hashim Qureshi, Chairman of the Jammu Kashmir Liberation Party, writes as an idealogue of the JKLF in exile. His is a more objective and analytical account of Kashmir's disaffection with India, its struggle for unification and independence from both India and Pakistan, its repudiation of violence as a means towards its ends, and its derailment by leaders such as

Amanullah Khan who set up a separate armed wing, the Kashmir Liberation Army, and organised terrorism, murder and kidnappings in the valley which discredited the JKLF internationally. Indeed, he accuses Khan of 'senseless adventurism and collaboration with the ISI.'

Qureshi also holds Amanullah Khan responsible for organising the murder of Ravinder Mahtre for which Maqbool Butt was hanged in retaliation by the Indian authorities. An ardent follower of Butt, the book starts with a detailed account of the hijacking of the Indian Airlines plane in 1971 by Qureshi and his group when he himself was only 17, in the hope of securing Butt's release from jail in India. Presenting judicial and documentary evidence he exposes the perfidy and lies of the Pakistani authorities in that episode as also their own burning of the aircraft which they then blamed on him, incarcerating him in solitary confinement for ten years when he refused to play their game. He also takes Alastair Lamb to task for doing just this in his book, *Kashmir: A Disputed Legacy*.

Qureshi analyses the destructive role of Pakistan in Kashmir especially since the militancy began over a decade ago and how it has not only created a virtually rudderless proliferation of armed groups accountable to no one but themselves or their masters across the border, but also how it sent thousands of this youth to their death at the hands of the Indian armed forces by giving them no training to speak of before pushing them back to fight in the valley. He also describes how, as a result of little training and no leadership, the militants would launch their attacks on the Indian forces from within crowded areas in streets, mohallas or villages and bring down the terrible retribution against innocents who lost their lives in the retaliatory fire. He is, of course, also vehemently opposed to the driving out of the Pandits from the valley as these are part of the flesh and blood of Kashmir.

Like Babar Badr, Qureshi is only too aware that Pakistan's interests are not those of Kashmiris and he gives supporting evidence of this by describing the backwardness of POK (where no one can oppose accession to Pakistan by law) as also of Baltistan and Gilgit, both of which have been delinked from 'Azad Kashmir' and integrated into Pakistan's Northern Territories without a by your leave from the former. He also describes how successive 'Azad' Kashmir leaders have developed a vested interest in the status quo and would not like the valley to join them because this would upset their applecart.

Qureshi expresses admiration for India's democratic traditions and the legacy of Gandhi and Nehru and sorrow for the betrayal of these traditions in Kashmir. But he also warns against the dangers of war between India and Pakistan over Kashmir and the enormous cost and suffering this would entail for both impoverished countries, especially now that both have gone nuclear. He argues against the partition of countries as a means of solving their problems and has no time for the two-nation theory which has failed so spectacularly in the sub-continent. His solution of a reunified state of Jammu and Kashmir as it was before Partition, built step by step over a 15 year period is problematic, given the water that has flowed under the bridge since then. But if such steps could also lead to some resolution of the post-partition dilemmas of the sub-continent, they might be worth thinking about creatively.

Some enterprising Indian publisher ought to publish a second, substantially edited and updated edition of Hashim Qureshi's book, which along with The Death of Dreams is a valuable addition to the growing literature on Kashmir, both of them being from the inside of the movement and by activists rather than scholars or journalists.

Primila Lewis

ETHNONATIONALISM AND THE POLITICAL ECONOMY OF PUNJAB by Shinder Purewal. Oxford University Press, New Delhi, 2000.

THE PERIPHERY STRIKES BACK: Challenges to the Nation-State in Assam and Nagaland by Udayon Misra. Indian Institute of Advanced Study, Shimla, 2000.

THE UTTARAKHAND MOVEMENT: Construction of a Regional Identity by Pradeep Kumar. Kanishka Publishers, New Delhi, 2000.

THE three books under review deal with regional assertions Two of these grew into protracted militant movements against the Indian state for secession, though the Punjab problem is now behind us and one hopes that it will not erupt again in the old form. An armed fight for secession, though on a low key, continues in Assam and Nagaland. Uttarakhand has just been given statehood after a brief period of struggle, together with Jharkhand and Chattisgarh. The three books together show that the 'regional problem' in

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India is made up of such diverse causes that it is difficult to talk of it as *a problem* but rather as so many different *problems*, each located in one or another region of India.

None of the books advance a complicated thesis but do develop a rich description around what they consider the central reasons or causes in the making of these problems. The root of the Uttarakhand problem is 'linked with its economic and social neglect for over forty years of independence. The lack of an autonomous political authority in the region... has led to continuous economic degradation. The vast mineral, water and forest resources of the hills have remained unexploited or have been exploited by the outsiders for the benefit of outsiders, thereby resulting in further "development of underdevelopment" in the region. In fact the model of internal colonisation applies to Uttarakhand *in toto*' (pp. 80-81 and the rest of the chapter, emphasis in original). Kumar cites other writers to show the 'degeneration of the region into the "hinterland of the country's affluent classes and regions".'

Two questions come to mind. This region, especially its Garhwal belt, has seen some of the most powerful movements against the construction of big dams, Tehri dam for example, as being detrimental to the ecology of the region and the well-being of the local population. On similar grounds the Chipko movement against felling of trees for commercial reasons has made national news over the last many years. The question now is whether the creation of an autonomous internal political power will remove the causes behind these well-articulated movements of great popular involvement?

If these movements have a *sui generis* claim to legitimacy, then both forests and water, two of the three resources mentioned above, may well become inaccessable for the generation of large resources. There is the further question that the region which used the resources of Uttarakhand, Uttar Pradesh, if examined on purely economic grounds will appear almost like an 'internal colony' of India and a 'hinterland' for its bourgeoisie. We must remember that U.P. wields considerable power within the Indian union and yet remains one of the most backward areas. If it is the pan-Indian bourgeoisie that exploits both U.P., and together with it Uttarakhand, then it can continue to do so like in any other region of India.

We must not forget that the Indian bourgeoisie does not belong to any one region of India exploiting other regions for the development of its homeland. If it were so Rajasthan would be like the Ruhr region of

Germany. We must also remember that the Indian bourgeoisie is trans-regional with an inter-regional mobility of capital as between profitable investments. It will be more useful to see how autonomous political power can contribute in small ways to the development of a region – say education, health, drinking water, and so on – and thus enhance the quality of life of ordinary people.

The work on Assam and Nagaland, apart from a search for causes, raises some pertinent issues for the understanding of the Indian federation in general and the kind of nation we want to be. It does so by building up the regional challenges from two diverse situations: despite being contiguous, the two areas have very different histories. Historically, Nagaland had little to do with India – virtually no cultural interaction and little by way of economic transactions. It was effectively brought under a unified administration only in the second and third decades of the 19th century. The innumerable Naga tribes too lived a life of relative isolation from one another. It had little involvement with the anti-colonial movement. The movement for secession and the other forms of regional assertions may thus be easily understood. But what about Assam with its centuries of close contact from the time of Ahom consolidation? The Vaishnavite movement which integrated it with the cultural 'mainstream' is now many centuries old. The Brahmaputra and Barak valleys of colonial Assam were deeply drawn into the national movement and produced many great national leaders.

Assam is, therefore, rightly seen as a test case for understanding the problem of Indian unity in general and of the handling of federal problems in particular. There is no religious angle like in Kashmir and Punjab nor historical entanglement which involves other nations. Misra thus finds that 'certain secessionist ethnic movements cannot be explained in terms of simple economic criteria such as uneven or lop-sided development or disjunction between industry and agriculture' (pp. 157, 183). In the case of Assam, economic neglect remains important but what makes for the problem is the inability of the Assamese to realise themselves within their culture. On one hand the mosaic that surrounds it demands dissection as the influx from across the borders has threatened its identity. Equally, it has found it difficult to handle the diversity within. The complexity of Assam is unique to itself, non-generalisable; yet the underlying emphasis throughout the book is on Assam as an internal colony of India.

This, I suggest, begs the question. I do not want to dispute the nature of the exploitative relationship

with pan-Indian capital, whether we take tea as an export commodity or extractive industries like oil. Even in regions which have done much better like Himachal Pradesh, where the author wrote his book, it can be shown that the entire surplus capital out of the orchard economy goes out of the region through the operations of merchants and merges into the pan-Indian monopoly capital.

The question is important because backwardness cannot be the sole criterion of a region being an internal colony. This would be patently unscientific from an economic point of view. A more objective criteria is required and none of those who argue for it have ever worked out one. Who extracts how much of the surplus of a region and for what purposes? Consequently, the magnitude of surplus as well as the enrichment of some other area(s) is the minimum we require to establish.

Something more intricate is happening in what is now left of Assam. Assam, par excellence, is a region that inverted the logic of pan-Indian nationalism and is unfortunately paying for it. All nationalisms question outside domination, logically, a power seen as an external authority defining our situation as a nationality or a 'sub-nationality'. Due to a variety of factors listed in the book, the Assamese feel that they are not an equal partner in the Indian union but are dominated by it, like Punjab too did. But in building up a movement on such grounds it is hoist on its own petard. The logic Assam uses can easily flounder, because given the specificity of its make-up in terms of the composition of populations, it is easy to activate smaller, distinct identities.

The Bodos, for instance, remain far more backward than the 'Assamese' and feel they do not have a say in the making of decisions vis-a-vis the Ahoms. Would it make any sense to call 'Bodoland' an internal colony of Assam? The separation of smaller but distinct people from the Assam mainland has gone on for a long time. Even what remains of Assam has been besieged from within for being too dominant a presence among smaller, distinct populations. What will be left of Assam when the Bodos, with their elongated stretch of territory, too exit? The many plains tribals, all comfortably contiguous, feel the same as the Bodos.

In an attempt to solve the Assam problem, Ahom-defined nationalism will have to try something creatively new while fighting the arbitrariness of the Indian state. Nothing of the kind seems to be emerging as one looks within the sophisticated and finely tuned criticism of the Assamese intelligentsia.

The book on Punjab is in a sense much simpler. It advances a straightforward thesis and examines all the different aspects of the Punjab problem through it. Though written sympathetically, it is without the slightest apologia for the Khalistani or Sikh militant viewpoint. If anything, it is more sympathetic to the many 'deviant' sects within Sikhism for being targetted by the Bhindranwale orthodoxy. This is welcome for most volumes written on the Sikh problem take a blanket pro or anti stance. The book's central thesis is drawn from the working of the political economy of India as it impinges on the region called Punjab. This is not reducing everything to the 'economic factor' as is often alleged when someone takes recourse to a political economy approach.

The thesis is simple. The present day Punjab problem had its genesis in a clash of two forms of capital for hegemony. Which of these capitals would call the shots in Punjab? There was the industrial capital controlled by the pan-Indian bourgeoisie operating through the central government. And there was the ascendant capital in Punjab agriculture seeking a dominant position in the politics of Punjab. The battle for hegemony was joined. The 'kulak' was confident and impatient like all ascendant forces, seeking a quick victory. I am in sympathy with this thesis. There is nothing in Sikh religion or in Punjab's history which suggests a clash between Sikhs and Hindus. That it happened was a purely contingent matter. In another conjuncture something else from the same religion and history could have been activated.

The thesis of clash for hegemony is however insufficient. It needs to be extended. This I will do by citing from my earlier article, 'The Political Implications of Economic Contradictions in Punjab', *Social Scientist* 161, October 1986. I wish to make two points: First, the widespread success of the 'green revolution' in Punjab, unlike in many other regions of India in terms of its extent and depth, created very sizeable classes of capitalist landlords and rich peasants, each with a large surplus in their hands As the surplus accumulated, there were no productive outlets for its investment. It could not expand itself in agriculture because of land ceiling legislations.

Neither could it move into areas of (big) industrial or commercial capital as these were monopolised by the kin-networks of Hindu castes. Individuals drawn from these Hindu communities enjoyed a hegemonic control over the non-agricultural sectors of capitalist economy. Over and above the growing conflicts between the two forms of capital controlled by differ-

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ent religious communities, a potential communal divide, due to the perceived terms of trade, another conflict slowly built up. Any growing capital, on finding the avenues of expansion blocked and aspirations of the bearers of capital thwarted, comes into conflict with that which blocks it.

So here was a situation of *bourgeois aspirations* (represented by the Sikh kulaks) blocked by the *bourgeois hegemony* (enjoyed by certain Hindu castes). Conflicts of aspiration vs. hegemony can occur anywhere without getting communalised. This happened as in Punjab the clash brought the two different religious communities face to face. Given the highly centralised nature of state power in India, the political process in the region got deflected as the Punjab (Sikh) vs. the Centre (Hindu) issue. As a result, even the day-to-day discourse in Punjab was communalised. For instance, if electricity supply is increased to agriculture (agriculture in any case consumes close to half, 46%, of the total electricity in Punjab) and cut down for industry, it is pampering the Sikhs; in reverse it is seen as pandering to the Hindus.

Punjab is a rich state with the country's highest per capita income and a sizeable section of very rich farmers. In addition to the huge agricultural surplus which is exported to different regions of the country, income flows into Punjab from all over the country. This contradicts the thesis advanced in the earlier two works – that of internal colonisation. On the contrary, the state draws in money capital from all over the country. Yet the Punjabi politicians and intelligentsia drew on the thesis of discrimination. To understand this it is important to recall one peculiarity of the colonial inheritance – the industrially advanced pattern of development. This has to do with a dual disjunction, to borrow the term from Amiya Bagchi, between agriculture and industry. Regions where agriculture developed remained industrially backward while regions which developed large scale industry remained agriculturally backward.

In a clash with the centre, any region may draw upon one or the other backwardness to convince its people that it has been discriminated against. What Punjab can show in terms of a lack of public investment in industry, another state, say Gujarat, can argue by showing a relative lack of public investment in irrigation and therefore demonstrate backwardness in other respects. The political economy of development in India is more complicated than a mere clash of different types of capital. This disjunction between agriculture and industry is crucial, even if it does not apply in the case of Assam. Along with this there is the problem of the making of nationalities or 'sub-nationalities'.

On this question our understanding is Eurocentric, regardless of the perspective we take, Marxist or liberal, as in the writings of Lenin or Gellner. It is language in conjunction with capitalism-industry (and therefore market), that goes into the making of a people as distinct national groups. I want to suggest here a radical change which has come about in the post-colonial period. The crucial condition today for people with a national make-up, who are in the midst of movements of national awareness for the consolidation of their national distinctness, is the presence of *bourgeois conditions*.

Needless to add, these can arise without each specific people having a (national) market. A single market may span an area which is inclusive of a large number of nationalities In fact, the bourgeois condition can dislocate people as much as a newly emergent market did in the period of ascendant capitalism, although it may not always integrate people into new economic activities as happened earlier. We only have to look to the various people in India, as the Nagas or the Jharkandis and many others, in regions where market conditions are not even developed.

We, therefore, find national movements arising out of specific conditions and taking forms not foreseen by Lenin. For example, in Africa, large coalitions of big tribes with a resemblance to one another, are moving towards becoming nations. If we hold that tribes cannot directly move to become nations, a la Engels, we are likely to be accused by African radicals of being colonial anthropologists. There is also among the hill people all over a clamour to be treated as separate national groups and here topography, with its distinct sense of space and horizon of time and of labour, has become a source of feelings of national distinctness. This can be observed in the Himalayan region of India. Ever since colonialism and late capitalism in our part of the world, determination of causal chains and relative salience of various attributes has undergone significant transformation.

In citing the above examples and patterns I am not suggesting that India is like Africa or Latin America. Far from it. But within the great diversity of India there are regions and pockets within regions, which may in many ways be similar to, say, Africa. All this is a matter of specification. Clearly much work needs to be done.

Javeed Alam

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Comment
Why Ambedkerites should be against large dams

Chandrabhan Prasad's article entitled 'The New Life Movement Versus Narmada Bachao Andolan' (*The Pioneer*, 22 October 2000) adds yet another angle to the issue of democracy and development in India. The article, perhaps, for the first time ever, has invoked Ambedkar's notion of the New Life Movement, his ideas on modernization and his critique of Gandhian traditionalism as arguments for the rejection of the NBA and Medha Patkar in particular. Prasad, undoubtedly, has legitimate grounds to bring in the legacy of Ambedkar into the large dam controversy.

Post-independence India's 'romance' with large dams has wrongly been attributed entirely to Nehru's vision for industrialization through multi-purpose river valley projects. It was B.R. Ambedkar, who, in fact, throughout the mid 1940s, as the then Member for Labour in the Viceroy's Council, played the most central role in introducing large dam technologies into India. Not only did Ambedkar deploy his considerable charisma and skills in helping set up the Central Water Irrigation and Navigation Commission but was instrumental in resolving several inter-provincial problems of coordination and finance that had dogged the first projects viz., the Hirakud and Damodar Valley dams. (See Thorat, ed., *Ambedkar's Contribution to Water Resources Development*, Central Water Commission, Delhi, 1993)

Ambedkar made it amply clear in several of his pronouncements on water projects that he viewed such technologies and a scientific worldview as key determinants in the struggle against the obscurantism and backwardness of caste Hinduism and any traditionalism that was rooted in India's exploitative social and political institutions. Inspired by the Tennessee Valley Project dams (TVA), he was keen on enabling Indian engineering expertise to benefit from interacting and acquiring help from the U.S. Bureau of Reclamation, the leading organization that undertook large dam projects in the United States in that period. In sum, Ambedkar was an enthusiast for large dam construction and advocated their adoption in India, not merely as technical interventions but as a necessary complement to realizing a modern social vision. In other words, Ambedker did not, as much as he could not, isolate his ideas on modernization from its several social implications.

Prasad's unease with NBA's 'traditionalism', therefore, must be situated in the larger politics of the urgency for dalit's to comprehensively reject India's cultural past and ethos, which reifies and reminds them of their bondage by brahminism. Tribals, consequently, for him are not pristine ecological communities or bearers of a harmonious social homogeneity but subjects principally constituted by their economic backwardness, social oppression and political marginality. Emancipation of both – the dalits and tribals – for Prasad, consequently, lies precisely in their being uprooted or displaced. Development is, in a sense, for him, a complete severance with the past; a wrenching of India's most oppressed from the traditions of their land, the locality, the village and their rural/natural social and economic context. These masses thus uprooted and dispersed by development projects, in his opinion, would then be relocated in India's urban centres, wherein they could finally begin to grapple with the task of acquiring a new material and cultural world anchored in science, technology and the 'enlightenment' of the West (i.e. explicitly non-Indian). Development, for Prasad, is a concrete annihilation of India's rural past.

It is important to understand that Prasad's ire against the NBA and Medha is less concerned with their arguments against the Narmada scheme than it is with what he considers to be their fatal innocence of India's complex social reality. The defense of the tribal world, its natural way of life and the upholding of the Gandhian rural ideal is, in many ways, to Prasad a recall for the ancient oppression through caste and thereby runs counter to Ambedker's strategy to batter down moribund brahminism with science, technology and westernization. Progress is the burying of the past/tradition, not its celebration, and modernity is to act unambiguously as the latter's solvent. Prasad's hope to use large dams in this mission, however, may be misplaced in the light of a vast body of new evidence on the performance of river valley projects.

Large dams are now correctly considered to be non-viable technologies and are no longer, save for parts of the Third World, accepted as part of the development package. Definitive and conclusive evidence exists that their costs far outweigh their benefits. Besides eroding the environmental integrity of river regimes, destroying wetlands, eliminating natural fish runs, negatively influencing micro-climates and even inducing seismic vulnerability, these structures have inevitably been mobilized by elites to intensify social inequity. Large dams, moreover, have rarely, if ever, been able to deliver the quantity of benefits listed in their pre-project claims. It is galling that the Government of India has to this day not instituted a single impartial and comprehensive review to assess the performance of any one of its multi-purpose projects, despite the investment of millions of rupees of tax payers' money on them.

The United States played the single most important role in influencing and enabling India's post-independence romance with large dams. Teams of American engineers from the Bureau of Reclamation helped scout sites, outline plans and formulate designs for many of the large dams. In fact, well into the late 1950s, American private engineering firms, construction companies and suppliers of heavy equipment swelled the ranks of large dam specialists 'developing' India's water resources. Such was the level of interaction between the countries in the field that Nehru, on his visit to the United States in 1948, personally involved himself in the effort to hire a chief engineer for the Damodar Valley Corporation.

In the United States today, however, the enthusiasm for large dams has been completely arrested and reversed. Not only is there a cap on the construction of any such schemes on its rivers, but the government is also actively pursuing a policy for decommissioning existing dams by physically removing them in several instances. On the other hand, investments are now being redirected for river restoration, floodplain recovery by phasing out embankments, wetland revival and the rehabilitation of river eco-systems for fisheries.

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Three factors have broadly combined to cause this retreat. First, popular pressure generated by environmentalists has decisively swung the public mood against large dams. Second, scientific opinion and reviews of some of the existing projects have been conclusive in questioning its beneficial role and have successfully revealed that costs (both social and environmental) have been grossly underestimated. Third, is the idea of 'ecological modernization', which has begun to acquire many adherents.

Proponents for ecological modernization argue that those societies which invest in preserving and enhancing their natural endowments in current times will in the future be able to gain immense economic and political benefits. The argument being that regimes possessing relatively better ecological stability will draw from the advantage of having to spend less on habitat restoration and pollution mitigation, besides being spared social unrest induced by eco-system breakdowns.

The far sightedness of ecological modernization is, of course, an impossible vision for India's current ruling elites. Timber contractors, quarrying interests, sweatshop factory owners, petty traders, green revolution farmers and big industrialists, to name a few, are under no compulsion to have a vision of development that is based on anything but profit in the short run. They have gone through great trouble to deform the political process in the last 50 years and reduce 'democracy' in India to an instrument for their interests. A dam on a river is electricity for their factories and cities, it is cheap irrigation water for their hybrid monocultures, and so many millions of rupees in easy cement or construction contracts for their relatives and friends. The nation needs development and the nation is theirs.

One must also not be innocent of the several sociological peculiarities that colour India's enterprise for development. A sociology of rule and economic growth that has ancient roots continues to specifically target tribals, dalits and swathes of other marginalized social groups for further impoverishment. In the case of the tribals and dalits even crumbs of economic benefits to thin layers of their populace have not translated into social equality for them. Not surprisingly, one finds Medha Patkar stating that 'people have been left out of the process of development' and Prasad, in his article, reiterates that the dalits 'viewed the freedom movement with suspicion.' A suspicion that was also expressed by the Communist Party of India in 1947 when it was singular in warning that freedom was being emptied of its democratic content by the new rulers.

The debate on large dams in India must, therefore, be understood in the backdrop of its political economy and political culture. Consequently, Prasad's interpretation of project displacement as a simple act of physical relocation and his hope in modernization as a solvent of rural idiocy and oppression is an unqualified assertion. Project displacement is actually one element of a part of a broader and insidious process wherein large masses of the Indian people are being dispossessed from their ownership of and access to their means of subsistence while being slammed into the ranks of the urban proletariat and landless agricultural wage labourers.

In other words, the majority of the 40 odd million project affected persons (PAP) in the last 50 years in India, have been commodified into wage labour through the state's use of direct physical violence rather than the invisible hand of the market. The PAP's subsistence resources have been seized, their forests eliminated, their rivers dammed, their lands drowned and all, with the exception of a few, unceremoniously flung onto the vagaries of the economy after being reduced to owners only of their labour power for barter and wage. No understanding of project displacement can ignore this fact and explains why the Indian government has, to this day, not had a single instance in which PAP's have been meaningfully rehabilitated.

The government has, in fact, only recently been compelled, after intense popular pressure, to accept the idea of land for land as a principle for compensation, that too only in some projects. The truth is that the PAPs were never meant to be rehabilitated or compensated. Instead, they were expected to be consigned to the vast numbers that provide cheap labour in India's sweat-shops – her unorganized and informal industrial sectors – or turned into seasonal wage labourers for capitalist farmers.

This explains why, albeit in a somewhat looped manner, Medha's passionate defense of the tribal way of life and Arundhati's lyrical prose celebrating their struggle must be considered as progressive politics aimed at preserving subsistence economies from violent capitalist expropriation. In essence, the NBA's intervention on displacement and rehabilitation must be understood as attempts to prevent the marginalized from being further impoverished and condemned to wage labour. Prasad would do well to accept that project displacement is not mere physical relocation but part of a political trajectory intrinsic to a capitalist economy.

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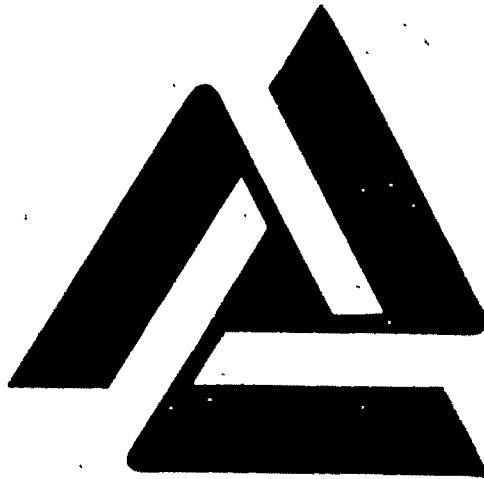Now tell us when, where and what.

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On the other hand, Prasad is correct in arguing that the dalits who comprise the large majority of India's rural landless labourers, need to be displaced from their oppressive location in India's rural landscape. However, he needs to emphasize that this displacement must be through a process of empowerment, i.e. education, land distribution or government jobs, and not simple physical relocation. The history of project displacement in India has thus far overwhelmingly resulted in the displaced communities being emasculated, both socially and economically.

But all displaced communities are not necessarily only tribals and dalits and Prasad does well to point out that the PAPs of the Sardar Sarovar Project (SSP) include both tribals and a large number of landed patidars, who are capitalist farmers in the Nimad or Narmada valley. These patidars are not only practitioners of green revolution farming but use agricultural wage labour for their operations. On surface, it clearly does appear politically awkward that the patidars have found themselves embracing both an environmental movement and the demand for social equity.

In effect, the patidars must betray their class interests in order to be genuine constituents of the NBA. But here, rather than flaying the NBA for cynicism or political opportunism in evoking only the tribal as the victim, one must credit them for their clarity in insisting that the basis of the struggle is entirely pivoted on the world of the tribal. This posture assumes supreme importance when one considers the fact that the Digvijay Singh government in Madhya Pradesh is more than willing to press for the reduction of the height of the SSP from 488 ft to 436 ft in order to save the patidars lands. The NBA, however, has been singularly firm in demanding the total abandonment of the project because at any height the dam will primarily drown and wound tribal lands and forests.

The patidars are undoubtedly in the NBA because it is the only organization that can enable them to save their lands. The NBA, on the other hand, must be credited for drawing the patidars into the agitation without allowing them to define the agenda or set the terms of the struggle. A review of the NBA literature makes it amply clear that the struggle against the Narmada scheme is not a defense for green revolution capitalist farming but a democratic movement for justice, equity and genuine development for the most oppressed sections of the populace.

If one is to understand Ambedkar's encouragement of river valley projects as part of his effort to bring about social equity through modernization, then one need only extend the same logic along his path of reasoning and reject large dams because they have failed on both counts. Enough evidence and documentation exists to prove that large dam projects are causing dangerous and irreversible damage to the environment and thereby undermining modernization in the long run. Evidence also exists to show that in India there has not been a single case in which PAPs have been empowered through rehabilitation, after being displaced by a large dam project. Again, not because rehabilitation policies were not properly carried out but precisely because they were effectively implemented as measures to dispossess the marginal and poor from their subsistence means.

It bears reiteration that large dams are one amongst a number of instruments fashioned by our ruling elites to centralize control over public resources and redirect them for the exclusive use of a few. Damming a river is one way of taking it away from the fisherman, tribal, dalit and others on the margins of the national economy. The same river transformed into killowatts and irrigation water (for hybrid crops) now advances the interests of a new layer of society. The majority of the PAPs meanwhile crowd cities and lodge in slums in abysmal conditions of poverty and destitution and inevitably become the reserve army of labour so vital to depress wages in the capitalist economy.

Meanwhile, in the long run, the flora and fauna of the river is destroyed; salinity overwhelms its irrigated command area; its waters are rendered sterile after their chemical composition and temperature is altered and finally the complex ecology linking wetland, drainage and tributary is irreversibly disrupted. Then the reservoir silts up and the dam dies. All those who benefited and all those who suffered will be united by one reality – no river.

Prasad has correctly expressed his misgivings about 'traditionalism'. He is accurate in emphasizing that the dalit condition can only be rescued by a rejection of India's past. He must also be credited for being prescient in acknowledging the role of modernization, science and technology as liberators of India's socially and economically oppressed. Consequently, on reviewing India's experience with river valley projects, upon judging its proponents, on identifying its actual beneficiaries, and examining its impacts and assessing its politics, it must occur to an Ambedkerite that the search for equity, justice and progress must also be a struggle against large dams.

Rohan D'Souza

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Communication

Isaac Asimov, in the 'Foundation' series writes in detail about the imaginary science of 'Psycho-History'. This science has the means and the tools to quantify current and past societies and make highly accurate, qualitative predictions about the shape and nature of society in the future. In our real world, sociology is the science whose eventual aim or goal comes closest to that of Psycho-History.

Asimov was fully aware of the existence of sociology, and he borrowed heavily from it to create the structures and forms of his imaginary worlds. Yet he chose the term 'Psycho-History' to describe his ultimate science of society. This fact raises two interesting and important questions whose answers I believe are of paramount importance in understanding the role, status, function and relevance of sociology. The questions very simply put are (*a*) what is sociology? and (*b*) what has sociology contributed to society?

The first is a question that every sociologist must have asked herself many times and which according to Patricia Uberoi has frequently been discussed/debated in the pages of *Seminar*. What is sociology? Who is a sociologist? What are the boundaries of this discipline? What does it actually study? What does it hope to achieve?

As a student of sociology for the last four years (having joined a BA Honours sociology course after doing science in school), I had the chance to read various texts by foreign as well as Indian authors and also be a part of various discussions on the subject. One of the few conclusions I have arrived at is that sociology is very similar to a work of fiction. While reading the novel the reader fills in/creates the

pictures. Thus each reader has her own unique visualisation of the story. Similarly in sociology every scholar seems to have/creates her own singular understanding/vision for sociology and its scope. It seems that sociology as a subject is yet to find/establish an identity for itself.

A look at the process of formation and development of sociology will shed further light on why sociologists are perpetually engaged in self-introspection. A French thinker, who dreamed of a day when society could be studied in the same manner as the natural sciences investigated the physical world, founded sociology, and ended his life believing himself to be the high priest of a new world religion (August Comte). His work is now looked down upon by many.

The classical thinkers of sociology included a man obsessed with the economic divide between the rich and the poor and the exploitation and alienation of labour (Marx); a French philosopher for whom integration with society governed every aspect of social life (Emile Durkheim); and a German professor of economics who interpreted sociology as understanding the meaning behind social action (Max Weber), with Spencer's evolutionary model thrown somewhere in between. At the same time we also had the new Russian thinkers doing sociological work on peasants.

The 20th century and the Chicago School saw great emphasis on empirical data and the understanding of ground realities. This period also saw the so-called merging of boundaries between social anthropological studies and sociology. The next phase saw an almost total U-turn with the

grandest of all grand theories – Talcott Parsons' theory of social systems – dominating American sociology for over two decades.

At the same time in India scholars like G.S. Ghurye and M.S. Srinivas, anthropologists by training, were laying the foundations of an Indian brand of sociology where field work, or more specifically participation/participatory field work was becoming the epicentre of all research and theory formation. It has taken 50 years and the death of both Ghurye and Srinivas for the foundation stone of Indian sociology to be fully questioned.

In the meantime sociological fashion was also influenced by the communist/marxian wave sweeping the world. The concepts of 'conflict and change' became popular. Marx was reinterpreted. The Indian sociologist, in his efforts to keep up with the times included labour studies, urban studies and to some extent class studies as legitimate areas of research along with traditional areas like caste, tribe, village, kinship and so on. The last decade or so has seen a shift towards project oriented sociological research.

From this brief history of sociological trends one can infer that there has been no clear cut pattern or direction in the development of sociology in India. Keeping this in mind if one were to revisit the question (why have sociologists, especially Indian sociologists, sought to air their disciplinary anxieties in public foras and engaged in such public self-introspection) raised by Patricia Uberoi in the article 'Deja Vu' (*Seminar*, November 2000) one will find that though various explanations and reasons for this phenomena have been advanced, one simple and obvious answer seems to have been put at the very bottom of her search for answers and dismissed with a curt 'so what's new?' I refer to the statement that sociology is a discipline in search of itself. It is probable that sociologists (and more so Indian sociologists who, as Beteille points out in the same issue, face the added dilemma of being classified as anthropologists) desperately need to self-introspect in order to give a semblance of clarity, direction and focus to their subject and to find their own worth, position, identity, relevance and being as sociologists.

Uberoi points out that a debate that has erupted at least once a decade for the last 40 years cannot in any way be classified as serendipity. On the point that we keep on reinventing the bicycle or Beteille's concept of amnesia of the young scholar towards the

good work already done, I would like to put in a word or two in defense. One can only keep reinventing the bicycle if one knows and comprehends the already existing object as a bicycle that may be used as a means of travel.

Now the youth, however arrogant they may be, can use this object in three ways. They may use it to make their journey simpler or easier. They may not be able to see the purpose of the bicycle at all, but still try to understand and interpret it. The third option is to dismiss the existing bicycle and go about reinventing it. Young sociologists have made extensive use of all three ways available to them and not just concentrated their efforts on reinventing the bicycle. Anyway the concept of reinventing the bicycle is also related to sociology's search for itself.

In comparison to other social sciences like economics, political science and public administration, sociology's goals are not ill-defined or amorphous. They are just grander – for no other social science dares to claim that it aims to study humankind as a whole and the entire social existence. When you aim high there is a price to pay. Finding the means to achieve sociology's grand goal is not easy and this leads to the debates, reinvention of the bicycle, self-introspection and the search for self.

The second question raised in the first paragraph of this comment deals with the relevance of sociology. This point has once again been raised, both in 'the problem' by Satish Deshpande, Nandini Sundar and Patricia Uberoi and in Uberoi's 'Deja vu?' But the question, whether sociological research had ever yielded any results of substantial/practical value, asked by Beteille in the September 1972 issue of *Seminar*, is yet to find a satisfactory answer. It is true that sociological studies, that range from being grand in nature to the micro-level, have covered nearly every aspect of society. Relationships between social institutions to a dyadic relationship, from race to the type of sexual relations permitted in a particular community – sociology has studied them all. But for a science that has taken so much from society, what has it given back?

It is not that sociology should become an applied science. What I am suggesting is that sociology should encompass something akin to both natural science and technology. The understanding and knowledge gained through science are put to use in technology hopefully to develop, improve and simplify human existence. Similarly, sociological

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knowledge should be produced in such a manner that it can be used by disciplines like development studies, social work, policy science, economics, management, social activism, or any other field of practical action for that matter, and by sociology itself – so as to improve and simplify the social existence of mankind. Of course the last decade or so has seen a push in this direction. As a first year BA sociology honours student, I had written the following for the sociology association magazine of Sri Venkateswara College, Delhi:

'A growing number of sociologists believe that they must not only seek to explain development but also become involved in the day-to-day business of formulating development policy, designing social organizations, and planning and evaluating development projects. Despite investing so much time and effort in the study of development, sociology has exerted a minimal impact on the practice of development... A number of factors can be advanced to explain this fact. Most sociologists have a strong dislike towards any form of social engineering. They suggest that their integrity might be compromised and they would only be used to clear the way on behalf of powerful institutions, elites and classes. Others feel that it may be difficult to separate their emotional and ideological preferences from their professional opinions and advice... It can be argued whether sociologists have the right to criticise development plans if they are not prepared to get practically involved in their formulation. By choosing the option of non-involvement, sociologists must be prepared to play the role of permanent but ineffectual critics. Surely that would not be desirable.'

A possible reason why sociological knowledge is hardly ever able to pass the barrier between theory and application is that sociologists tend to present the conclusions of their work in a vague, ambiguous or abstract manner. It seems they work with only one eye on the object of the study, the other being on the critics and their expert criticisms.

Few sociologists are willing to take a well-defined stance on any matter. NGOs, journalists and market research organizations score over sociologists grabbing new avenues of research because they provide answers – and definitive sounding answers. And (rightly or wrongly) answers are what society is looking for and wants.

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Backpage

RARELY has a judgement of the Supreme Court elicited such strong negative reactions as its recent pronouncements in the Sardar Sarovar dam case. The dismay is widespread not just in the social movement sector, for whom the Narmada Bachao Andolan led struggle has arguably been the most high profile and discussed engagement with the Indian state's social development policies, but also for those who have held the Supreme Court, in particular its innovation in crafting Public Interest Litigation, as a primary avenue for accommodating the concerns of the less well-off in society.

There is little doubt that the majority judgement, even if on expected lines, does mark a retrogression in the orientation of the court. From the period of Justices Bhagwati and Krishna Iyer, the Supreme Court had become the favoured arena to both expand the domain of fundamental rights, as also make many of the provisions under the Directive Principles of State Policy justiciable. Sangeeta Ahuja's *People, Law and Justice* (Orient Longman, 1997) provides an admirable summary of the courts' many labours in this regard. In fact, so enthusiastic was the reading of this innovation that many commentators were willing to overlook the resultant distortions between the legislature, executive and judiciary created by the courts' activism and expansion of domain.

In the case under consideration, the majority view in the Supreme Court has gone well beyond vacating the stay on further construction of the Sardar Sarovar dam or even privileging the official as against the Andolan's 'understanding' of the progress on the rehabilitation and compensatory afforestation fronts. It has, despite the issue being outside the agreed upon terms of reference, peppered its judgement with remarks portraying large dams as an unambiguous social good. Worse, it has decreed the prime minister as the final arbiter in any further disputes, undercutting the possibility of a fair, non-partisan hearing.

Many, including this writer, have seen this turn of events as a bad body blow to both the NBA as also the strategy of using the courts as a lever to pry open extant social arrangements in favour of the underprivileged. I have elsewhere argued (*The Hindu*, 25 October 2000) that some of the 'blame' rubs off both on the shifts in the wider environment (the move towards neo-liberal policies) as also the political practice of the Andolan. To, however, read in this an end of the era of progressive court intervention or space for social movements of the underprivileged would be a gross overstatement.

To take the courts and judiciary first. As in earlier phases, the judiciary continues to present a mixed picture. In the matter of pollution control, it continues on its interventionist streak (re. the various directives to reduce air pollution in Delhi). In, however, the disputes over reserve forests and wastelands, the favoured interpretation tilts towards potential corporate investors, often disregarding the claims of those who survive on the commons, forget wildlife.

So too in the cases relating to fundamental rights which have, more often than in the past, censured the executive and even made specific officials liable for the payment of compensation, say in instances of custodial or extra-judicial deaths. The battle in the court's terrain must, therefore, continue, including for democratizing and making it more accountable. What equally needs to be avoided is overloading the court with expectations. If it is seen today as politicised, it is because of a tendency to draw it into terrains which, both formally and substantively, belong to the legislature and executive.

Similarly, the 'market' for social movements – gender, environment, human rights – is both expanding and contracting simultaneously. There is little doubt that the collective labours of the activist community has dramatically altered social, if not official, perceptions of not just goals and values but processes to achieve them. Of course, the space seems more liberal at the level of discourse than practice. It is equally undeniable that the dominant ideology is far better disposed towards a speedier creation of wealth than concerns of equity.

The new era is witnessing a globalisation of not just capital and labour but discourses and actors. The 'redefining' of the local and national demands that we carefully scrutinise the role of new actors and ideologies that today decisively impact on situations and choices earlier regarded as 'internal'. Immature, often unthinking, activism can and does create a backlash. Unless our movements creatively re-invent themselves, their worst fears, that of reduced space for the erstwhile dispossessed as active subjects, might well become a reality. That indeed would be a tragedy.

Harsh Sethi

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